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STATUTES,
OF HIS MAJESTY'S PROVINCE

OF

UPPER CANADA,

PASSED IN

**THE FIRST SESSION OF THE ELEVENTH PROVINCIAL PARLIAMENT
OF UPPER CANADA.**

By Authority.

SIR JOHN COLBORNE, K.C.B.
LIEUTENANT GOVERNOR.

YORK, U.C.

Printed by **ROBERT STANTON**, Printer to the KING'S MOST EXCELLENT MAJESTY.

STATUTES,

OF

Upper Canada,

PASSED IN THE FIRST SESSION OF THE ELEVENTH PROVINCIAL
PARLIAMENT.

MET AT YORK ON THE SEVENTH DAY OF JANUARY 1831, AND PROROGUED ON THE SIX-
TEENTH DAY OF MARCH, IN THE FIRST YEAR OF THE REIGN OF
WILLIAM IV.

SIR JOHN COLBORNE, K.C.B.

LIEUTENANT GOVERNOR

ANNO DOMINI 1831.

CHAP. I.

AN ACT to make valid certain Marriages heretofore contracted, and to provide for the
future Solemnization of Matrimony in this Province.

*(The Royal Assent to this Bill was signified, by Message of His Excellency the Lieutenant
Governor, to the Legislative Council and Assembly of this Province on the Second
day of March, 1831.)*

WHEREAS doubts have arisen respecting the legality of certain
Marriages heretofore Contracted and Solemnized in this Province; *and* Preamble.
whereas the Parties thereto, and their Issue, may be subject to disabilities
unless such Marriages be confirmed by Law, in order therefore to afford
relief to such persons, and establish the Legitimacy of their issue—*Be it
therefore enacted* by the King's most Excellent Majesty, by and with the
advice and consent of the Legislative Council and Assembly of the Pro-
vince of Upper Canada, constituted and assembled by virtue of and under

the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That the Marriage, or Marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted in this Province before any Justice of the Peace, Magistrate, or Commanding Officer of a Post, or before any Minister, or Clergyman, before the passing of this Act, shall be, and are hereby confirmed, and shall be considered good and valid in Law; and the parties to such Marriages, and the Issue thereof, shall be entitled to all the rights, and subject to all the obligations, resulting from Marriage and consanguinity, any Law, usage or custom, to the contrary in anywise notwithstanding.

Former Marriages confirmed.

II. And to enable any person who may be desirous to preserve the evidence of their Marriage, and of the Birth of their Children, *be it further enacted by the authority aforesaid*, That it shall and may be lawful, at any time within Six years after the passing of this Act, for any Justice of the Peace, at the request of either of the parties, to administer the following Oath, or Affirmation, as the case may be, to the Husband and Wife, or either of them. “I A. B. do solemnly Swear, or Affirm, as the case may be, that I did publicly intermarry with C. D. at _____ on the _____ day of _____ in the year of our Lord _____ and that there is now _____ living Issue of the said Marriage, as the case may be, T. B. born on the _____ day of _____ M. B. born on the _____ day of _____ and that such Marriage was Solemnized by M. D. of the District of _____” which form of attestation shall be subscribed by the party making the same, and certified under the Hand and Seal of the Justice administering the said Oath or Affirmation, who shall be entitled to receive therefor One Shilling; and it shall be the duty of the Clerk of the Peace, upon payment of the sum of Two Shillings and six pence, to enter and record such attestation, duly certified as aforesaid, in a Register, or Book, to be by him kept for that purpose, and such Register, or an attested copy thereof, shall be considered sufficient evidence of such Marriage and of the Birth of the said Children; and the said Clerk of the Peace is hereby required to give such copy duly certified to any person demanding the same upon payment of Two Shillings. *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to make valid any Marriage illegally Solemnized, when the parties to such illegal Marriage, or either of them, shall have subsequently contracted Matrimony according to Law.

Method of preserving testimony of former Marriages.

Former Marriages not to be rendered valid where a subsequent Marriage has been legally contracted.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Clergyman or Minister of any Church, Society, Congregation or Religious Community of persons, professing to be Members of the Church of Scotland, Lutherans, Presbyterians, Congregationalists, Baptists, Independants, Methodists, Menonists, Tunkers; or Moravians, who shall be authorised, in manner hereinafter mentioned, to Solemnize the ceremony of Marriage within this Province between any two persons, neither of whom is under any legal disqualification to contract Matrimony.

Ministers of certain Denominations authorised to Solemnize Matrimony.

IV. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That no person shall be taken or deemed to be a Clergyman or Minister of such Church, Society, Congregation, or Religious Community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted or appointed, according to the rites and form of such Church, Society, Congregation or Religious Community, of which he professes to be a Clergyman or Minister, and unless he shall be a Subject of His Majesty, and shall appear before the Justices of the District in which he shall reside, in general Quarter Sessions assembled, and unless he shall produce proof of his ordination, constitution, or appointment as such Minister, and shall then and there take the Oath of Allegiance to His Majesty, which oath the said Court shall then and there administer, and thereupon, if it shall appear to the Majority of the Justices then present that he has been regularly ordained, constituted, or appointed as aforesaid, they are hereby authorised and required to grant him a Certificate under the Seal of the Court, and signed by the Chairman and the Clerk of the Peace, for which the said Clerk shall be entitled to receive the sum of Five Shillings, certifying him to be a Minister or Clergyman of such Church, Society, Congregation, or Religious Community, which Certificate may be in the following form:—

Certificate to be obtained from the Quarter Sessions by Ministers, before they can Solemnize Matrimony.

“Be it remembered, that at the General Quarter Sessions of the Peace, holden at——in and for——District, on the——day of——in the year of our Lord——before A. B. and others, Esquires, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said District, came C. D. of——who professes to be a Minister or Clergyman of the Church, Society, Congregation or Religious Community, (as the case may be,) it appeared to a majority of the Justices that he the said C. D. was duly ordained, constituted or appointed, as the case may be, a Minister or Clergyman of the said Church, Society, Congregation or Religious Community.

E. F. Chairman.

G. H. Clerk of the Peace.”

Banns to be published or Licence obtained before the Solemnization of any Marriage.

V. *Provided also, and be it further enacted by the authority aforesaid,* That no such Minister or Clergyman shall at any time celebrate the ceremony of Marriage between any two persons as aforesaid, unless such their intention of Marriage shall have been declared openly and in an audible voice in the Church, Chapel, Meeting-house, or place of Public Worship of such Congregation or Religious Community, on three several Sundays, either in some intermediate part of the Service, or immediately before it began, or immediately after it ended, together with the number of times the said declaration shall have respectively been made, or unless such Minister or Clergyman shall have been duly authorised by Licence under the Hand and Seal of the Governor, Lieutenant Governor, or Person Administering the Government of the Province, to celebrate the said Ceremony between the two persons therein named.

Certificate of Marriage to be given by the person Solemnizing the same.

VI. *And be it further enacted by the authority aforesaid,* That every Minister, or Clergyman, or Justice of the Peace who has been or shall be authorised to celebrate Marriage by virtue of this Act, or any other Act of this Province, shall, if required at the time by either of the Parties Married, by such Minister, Clergyman, or Justice of the Peace, give a Certificate under his hand of such Marriage, specifying in such Certificate the names of the Parties, the time, and the names of two or more Persons who witnessed such Marriage, and whether such Marriage has been Solemnized by Licence, or by Publication of Banns, and also once in every twelve months return a Certified list under his hand of all Marriages by him Solemnized within the said term of twelve months, or since his last preceding return, to the Clerk of the Peace in and for the District in which such Marriages shall have been respectively Solemnized, specifying in such list the names of the Parties so by him Married, the respective dates of such Marriages, and the names of two or more persons who witnessed each of said Marriages, and whether such Marriages respectively shall have been Solemnized by Licence or Publication of Banns, and such Minister, or Clergyman, or Justice of the Peace, shall, at the time of returning a Certified list as aforesaid, pay to the said Clerk of the Peace the sum of Two Shillings and Six Pence; and it shall thereupon be the duty of the said Clerk, to record the said Certified list in the Register, or Book required by Law to be kept by him, of the Registry of Certified Marriages of members of the Church of Scotland, Lutherans, Congregationalists, Baptists, Independants, Methodists, Menonists, Tunkers, Presbyterians, or Moravians; and such Register, or a certified copy thereof, shall be considered in case of the death or absence of the Witnesses to any Marriage, a sufficient evidence of the said Marriages; and the said Clerk of the Peace is hereby required to give such copy of the Registry of any of the said Marriages, duly certified, to any person demanding the

Return of Marriages to be made annually to the Clerk of the Peace.

Clerk of the Peace to record such Return, which shall be evidence.

same, upon the payment of Two Shillings ; and if any such Minister, or Clergyman, or Justice of the Peace, shall refuse or neglect to return such certified list as aforesaid, he shall forfeit and pay the sum of Forty Pounds, to be recovered by action of Debt in His Majesty's Court of King's Bench, one moiety thereof to the use of the Informer, who shall sue for the same, and the other to be paid to the Receiver General of this Province, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and the support of the Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Persons neglecting
to make Returns to
forfeit £40.

CHAP. II.

AN ACT to prevent a failure of Justice by reason of Immaterial variances in certain Law Proceedings, and to require all Courts to take Judicial notice of Private Acts of Parliament.

[Passed 16th March, 1831.]

WHEREAS great expense is often incurred, and delay or failure of Justice takes place at trials, by reason of Variances between Writings produced in evidence, and the recital or setting forth thereof upon the Record on which the trial is had, in matters not material to the merits of the case, and such Record cannot now in any case be amended at the trial, and in some cases cannot be amended at any time ; *and whereas* great additional expense is often incurred by reason of the necessity of pleading Specially Private Acts of Parliament, which the several Courts of Justice cannot judicially notice unless they be so pleaded or given in evidence : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for every Court of Record holding Plea in Civil Actions ; any Judge sitting at Nisi Prius, and any Court of Oyer and Terminer,

Preamble.

Variations may be amended in Civil Cases and in prosecutions for Misdemeanors, at the discretion of the Court or Judge holding Plea thereof.

and General Gaol Delivery in this Province, if such Court or Judge shall see fit so to do, to cause the record on which any trial may be pending before any such Court or Judge in any Civil Action, or in any indictment or information for any Misdemeanor, when any variance shall appear between any matter in writing or in print produced in evidence, and the recital or setting forth thereof upon the record whereon the trial is pending, to be forthwith amended in such particular by some Officer of the Court, on payment of such costs (if any,) to the other party as such Court or Judge shall think reasonable, and thereupon the trial shall proceed as if no such variance had appeared; and in case such trial shall be had at Nisi Prius, the order for the amendment shall be endorsed on the Postea and returned together with the Record, and thereupon the Papers, Rolls, and other Records of the Court from which such Record issued, shall be amended accordingly.

Courts required to take judicial notice of private Acts of Parliament.

II. *And be it further enacted by the authority aforesaid,* That all Acts of the Provincial Parliament of this Province, whether the same shall be deemed public or private Acts, shall equally be taken notice of judicially, by all Courts, Judges, Justices and other persons whomsoever, without being specially pleaded; and that a copy of any such Act, printed by proper authority in this Province, shall be taken as sufficient evidence thereof, any Law to the contrary notwithstanding.

CHAP. III.

AN ACT to enable Married Women more conveniently to Alien and Convey their Real Estate, and to Repeal an Act passed in the forty-third year of the Reign of King George the Third, entitled "An Act to enable Married Women, having Real Estate, more conveniently to Alienate and Convey the same."

[Passed 16th March, 1831.]

Preamble.

WHEREAS the Laws now in force enabling Married Women more conveniently to Alien their Real Estate do not afford the facility required, and at the same time unnecessarily expose Purchasers to risque, from the chance of the Married Woman dying, or re-tracting her consent after her execution of the Conveyance, by means whereof such Conveyances may be defeated to the great prejudice of innocent purchasers: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice

and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That from and after the first day of August next after the passing of this Act, it shall and may be lawful for any Married Woman being above the age of twenty-one years, residing within this Province, and seized of Real Estate therein, to alien and convey such Real Estate by Deed, to be executed by her jointly with her husband, to such use and uses as to her and her husband shall seem meet: *Provided always, nevertheless*, that such Deed shall not be valid or have any effect unless such Married Woman shall execute the same in presence of one of the Judges of the Court of King’s Bench in this Province, or in the presence of a Judge in the District Court, or of a Judge of the Surrogate Court of the District in which such Married Woman shall reside, or of two Justices of the Peace for such District, and unless such Judge or two Justices of the Peace (as the case may be) shall examine such Married Woman, apart from her husband, respecting her free and voluntary consent to alien and depart with her Estate as mentioned in the Deed, and shall on the day of the execution of such Deed, certify on the back of the Deed in some form of words to the effect following:—“That on the day mentioned in the Certificate, such Married Woman did appear before him, or them, (as the case may be) at the place to be named in the said Certificate, and being examined by him, or them, (as the case may be) apart from her Husband, did appear to give her consent to depart with her Estate in the Deed mentioned, freely and voluntarily, and without any coercion, or fear of coercion, on the part of her Husband, or of any other person or persons whatsoever.”

Married Women residing in this Province may alien their real Estates by Deed executed jointly with their Husbands.

Provided such Deeds be executed in the presence of a Judge of King’s Bench, or of the District or Surrogate Courts, or of two Justices of the Peace for the District where such Married Women reside.

Such Judge, &c. to examine such Married Woman, and grant Certificates of their consent to depart with their Estates.

Form of Certificate.

II. *And be it further enacted by the authority aforesaid*, That when the Married Woman resides out of this Province, the Deed may be executed by her in the presence of a Judge of the Court of King’s Bench, or of a Judge of the District Court, or of the Surrogate Court, or of two Justices of the Peace in and for any District of this Province, whose certificate shall be effectual for the purposes aforesaid: *Provided always*, that it shall not in any case be necessary for any such Judge or Justices as aforesaid, to attest the execution of any Deed as a subscribing Witness: *Provided always*, that nothing in this Act contained shall be taken or construed to give to such Deeds so executed as aforesaid, so far as relates to the Married Woman, or the interests of herself, or of those claiming under her,

When Married Women live out of the Province, Deed may be executed before any such Judges or Justices for any District.

Judge, &c. not required to attest the execution of any Deed.

No greater effect to be given any such Deeds than would attach thereto in case such Married Woman had been sole.

any greater or other force or effect than the same would have had in case such Married Woman had been sole at the time of executing the same.

Where Married Women have heretofore conveyed their Estates, but no Certificate hath been granted within twelve months, such Certificate may nevertheless be now granted, notwithstanding the twelve months have expired. Such Certificates not to affect sales made previous to the granting thereof.

III. *And be it further enacted by the authority aforesaid,* That in all cases in which a Married Woman shall, before the passing of this Act, have made any Conveyance, which would be valid in Law if such Certificate had been obtained within the period of twelve months as was required by the Laws then in force in this Province, such Certificate may at any time after the passing of this Act be obtained, notwithstanding the period of twelve months may have expired, and the same shall have the like effect, and no other, as if given within twelve months: *Provided always nevertheless,* that nothing herein contained shall affect, or be construed to affect, the right to Lands of any person or persons who may have obtained a Deed according to Law for any Lands which may have been previously Conveyed by a Married Woman but not acknowledged before a Judge pursuant to the Laws of this Province.

Five Shillings to be paid for Certificates.

IV. *And be it further enacted by the authority aforesaid,* That the sum of Five Shillings shall be paid for every such Certificate, and no more.

43d Geo. III, Chap. 5, repealed.

V. *And be it further enacted by the authority aforesaid,* That a certain Act of the Parliament of this Province, passed in the forty-third year of the Reign of His late Majesty King George the Third, entitled "An Act to enable Married Women having Real Estate more conveniently to alien and convey the same," shall, from and after the said first day of August next, be repealed, except as to any conveyances which have been or shall be executed while the same was in force.

Such repeal not affect conveyances executed while the same was in force.

CHAP. IV.

AN ACT to establish a Market, and to establish Wharfage Fees, in the Town of Amherstburgh, in the Western District.

[Passed 16th March, 1831.]

Preamble.

WHEREAS it is expedient for the convenience of the Inhabitants of the Western District that a Market should be established at the Town of Amherstburgh, in the said District, and that the times and places for holding such Market should be ascertained: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the

Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That from and after the passing of this Act it shall and may be lawful for the Commissioners of the Peace in the Western District, in their Court of General Quarter Sessions assembled, and they are hereby authorised and empowered, to establish upon Lot number Seven, on the West side of Dalhousie Street in the said Town of Amherstburgh, which has been granted in trust for that purpose, a Market, where Butcher’s Meat, Butter, Lard, Eggs, Poultry, Fish and Vegetables, shall be exposed to Sale; and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto as they shall deem expedient.

Market to be established in Amherstburgh.

Magistrates to make Regulations relative thereto.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorised and empowered, to impose such Fines, not exceeding Twenty Shillings, for every offence committed against such Rules and Regulations as to them in their discretion shall seem requisite and proper.

Fines not exceeding Twenty Shillings may be imposed for the infraction of such Regulations.

III. *And be it further enacted by the authority aforesaid,* That all such Orders, Rules and Regulations, shall be Published, by causing a copy of them to be affixed in the most Public place in every Township in the said District, and at the Door of the Court House of the said Western District, and that such Orders, Rules, and Regulations, shall not be in force until three weeks after such publication.

Market Regulations to be published.

IV. *And whereas* the said Lot number Seven, in Dalhousie Street, in the said Town of Amherstburgh, extends to the Channel of the River Detroit, and it may conduce to the convenience of the Inhabitants of the said District, if a Wharf were erected upon that part of the said Lot which is covered with water; *Be it therefore further enacted by the authority aforesaid,* That so soon as a Public Wharf shall be erected on the said Lot, it shall and may be lawful for the Commissioners of the Peace for the said District, or the majority of them in General Quarter Sessions assembled, to make such rules and regulations in regard to the said Wharf, and to impose such Tolls and Fees for the use of the same, as may to them appear reasonable, and to enforce compliance to the said Rules and Regulations, the said Commissioners are hereby empowered

A public Wharf may be erected in front of the Market, and Magistrates may make Regulations relative thereto.

And impose fines for the infraction thereof.

to impose such Fines not exceeding Twenty Shillings for every offence committed contrary thereto.

Fines to be recovered in a summary way before Justices of the Peace.

And applied to the improvement of the Market.

V. *And be it further enacted by the authority aforesaid*, That if any person shall transgress the Orders and Regulations so made by the said Commissioners, such person for every such transgression shall forfeit the sum which in every such Order Rule and Regulation shall be specified, to be recovered by information before any two Commissioners of the Peace, upon the Oath of one credible Witness, and to be levied by Warrant under the hand and seal of such Commissioner, upon the Goods and Chattles of such offender, and be paid into the hands of the Treasurer of the District, and subject to the disposal of the Magistrates in General Quarter Sessions at their meeting in the month of April in each year, for the improvement of the said Market, or of the said Town of Amherstburgh.

CHAP. V.

AN ACT to amend and extend the provisions of an Act passed in the eighth year of His late Majesty's Reign, entitled "An Act to provide for the Erection of a Gaol and Court House in the Eastern District."

[Passed 16th March, 1831.]

Preamble.

Two additional Commissioners appointed to superintend the erection of a Gaol.

WHEREAS it is expedient to amend and extend the provisions of an Act passed in the eighth year of His late Majesty's Reign, entitled "An Act to provide for the Erection of a Gaol and Court House in the Eastern District."—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That in addition to the three persons appointed by Law to Superintend the Erection of a Gaol and Court House in the Eastern District, George S. Jarvis, and Philip Vankoughnett, Esquires, shall be Commissioners for the like purpose, and that a Majority of the said five Commissioners shall decide on

all matters relating to the Erection and Completion of the said Gaol and Court House.

II. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall occur from the death, or removal out of the District, of any one or more of the Commissioners appointed by this or any other Act, or by the refusal of any one or more of them to act, then and in such case, the Governor, Lieutenant Governor, or Person Administering the Government, on such vacancies being certified to him by the other Commissioners, or a majority of them, is hereby authorised and required to fill up such vacancies.

In case of death, refusal to act, or removal from the District of any Commissioner, Governor may fill up such vacancy.

CHAP. VI.

AN ACT to indemnify the Magistrates of the Newcastle District, and to authorise them to raise a Loan, on the Credit of the Funds of the said District, to complete a Building Erected at the Village of Amherst as the Gaol and Court House of the said District.

[Passed 16th March, 1831.]

WHEREAS it appears that from the state of the Gaol and Court House for the District of Newcastle, it is expedient and necessary to provide a more sufficient Building for the safety and comfort of Prisoners, and for the accommodation of the Courts of Justice held within the said District; *And whereas* it appears by the Petition of the Magistrates and Inhabitants of the Newcastle District, that the Magistrates thereof have contracted for the Erection of a Gaol and Court House at Amherst, in the Township of Hamilton in the said District, but that the legal Assessments will not enable them to discharge the amount for which they have contracted with suitable promptness; *And whereas* the Magistrates of the said District have expended a large sum of Money of the Funds of the said District, in part payment of the said contract; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Go-

Preamble.

Gaol now building to be deemed the legal Gaol of the District.

Magistrates of the District indemnified for the illegal expenditure of the money heretofore applied towards erecting a new Gaol.

Funds of the District may be applied towards erecting the new Gaol, not exceeding the sum of £6000.

Loan authorised not exceeding £2,500.

Interest not to exceed Six per Cent. and not less than £300 per annum to be applied towards the liquidation of such Loan.

vernment of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the Building so contracted for as aforesaid shall, when completed, be deemed and taken to be the legal Gaol of the said District: *And whereas* the Money so applied as aforesaid in part payment of the said contract was not authorised by Law: *And whereas* it is necessary and expedient to indemnify the said Magistrates for the expenditure of the same: *Be it therefore further enacted by the authority aforesaid*, That the sum of Money so expended as aforesaid shall be deemed and taken to be a legal expenditure and application of the Funds of the said District.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace in and for the said District, in General Quarter Sessions assembled, and they are hereby authorised and required to apply towards the expense of Erecting and completing the said Building as such Gaol and Court House, all such Monies arising from such Rates and Assessments as now are, or may come into the hands of the Treasurer of the said District and applicable to the uses of the same, not required for the ordinary and incidental expenses of the said District: *Provided always*, that nothing in this Act contained shall authorise the application of a greater sum than Six Thousand Pounds, including the sum already expended in the Erecting and completing the said Gaol and Court House.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace in and for the said District, in General Quarter Sessions assembled in April next, and they are hereby required, by an Order of the said Court to authorise and direct the Treasurer of the said District to raise by Loan, from such person or persons, bodies Politic or Corporate, who may be willing to lend the same on the Credit of the Funds of the District, a Sum, not exceeding Two Thousand Five Hundred Pounds, to be applied in the Building and completing the said Gaol and Court House.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That the Money so borrowed under the authority of this Act shall not bear a greater Interest than Six per Centum per annum, and that the Treasurer of the said District, for the time being, shall annually, until the Loan so raised with the Interest accruing thereon shall be paid and discharged, apply towards the payment of the same a sum not less than Three Hundred Pounds, from and out of the Rates and Assessments so coming into his hands for the use of the District as aforesaid, together

with all such Monies as may remain in his hands after the payment of the ordinary and incidental expenses of the year.

V. *And be it further enacted by the authority aforesaid, That the Treasurer of the said District shall not receive any percentage for any sum or sums of Money which may be loaned under the authority of this Act and which may come into his hands, or for paying out the same in fulfilment of the contract aforesaid.*

Treasurer not to receive per Centage on money loaned.

CHAP. VII.

AN ACT to Erect the County of Prince Edward into a Separate District.

[Passed 16th March, 1831.]

WHEREAS from the peculiar situation of the County of Prince Edward in the Midland District of this Province, and from various other causes, it has become expedient to erect the said County into a Separate District: *Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'"* and by the authority of the same, That so soon as the Governor, Lieutenant Governor, or person Administering the Government of this Province for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected therein for securing Prisoners, and for accommodating such Courts as shall or may be held within the said County, it shall and may be lawful to and for the Governor, Lieutenant Governor, or person Administering the Government of the said Province for the time being, by and with the advice of His Majesty's Executive Council in this Province, to declare by Proclamation the said County of Prince Edward a separate and distinct District, by such name as He shall think fit: *Provided nevertheless, that nothing in this Act contained shall affect, or be construed to affect, the Jurisdiction of His Majesty's Court of King's Bench in this Province, or to make it necessary*

Preamble,

The County of Prince Edward may by Proclamation be declared a separate District so soon as a Gaol and Court House shall be erected.

Not to affect the Jurisdiction of any Courts.

or lawful to issue Commissions of Oyer and Terminer and General Gaol Delivery, and Commissions of Assize and Nisi Prius for the said District, or to affect the Jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court, within the said Midland District : *Provided nevertheless*, that if at the time the said County shall be set off into a separate District, any Action shall have been commenced, or be pending for any cause of Action arising therein, or any Indictment of any indictable offence that has been committed within the said County, the said Action or Indictment shall and may be tried at the next Assizes, or other Court in which the same may be pending, to be held in and for the Midland District, unless all the parties concerned shall agree that the same shall not be tried in said Midland District : *Provided always*, that such Gaol and Court House shall be erected in the Village of Picton, upon a certain Block of Land, containing two and a half Acres, granted, or intended to be granted and conveyed to Asa Worden, Simeon Washburn, and James Dougal, Esquires, agreeably to a Resolution adopted at a Public Meeting in May One Thousand Eight Hundred and Twenty-six, convened for the purpose of fixing the Site of the said Gaol and Court House, unless a majority of such Justices of the Peace of the Midland District as shall be present on the second day of the Court of General Quarter Sessions for the Midland District in the Month of July next, shall by a Resolution declare that such Site is ineligible.

Court House to be erected in Picton.

II. *And be it further enacted by the authority aforesaid*, That the Courts of Oyer and Terminer and General Gaol Delivery, of Assize and Nisi Prius, the Courts of General Quarter Sessions of the Peace, District Court, Surrogate Court, Court of Requests, and every other Court and Jurisdiction, with all District Offices whatsoever, held or to be held, possessed and enjoyed in and by the other Districts of this Province at the time of such Proclamation as aforesaid, shall from thenceforth, with the like Powers and Authorities, be held and enjoyed in and by the said District, to be thereby declared and named by virtue of this Act, and that all and every Jurisdiction, Regulation, Rule, Privilege, Exemption, matter or thing, which shall or may have been enacted, provided and declared by any Act or Acts of the Parliament of this Province, made, or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be, and are hereby, from thenceforth, extended to that District, to be thereby declared and named as aforesaid, unless otherwise provided for by this Act; or any other Act or Acts of the Parliament of this Province.

Courts established in the new District.

Laws relating to other Districts generally to be equally applied to the new District

III. *And be it further enacted by the authority aforesaid,* That all and every the Provisions, Rules, Regulations, Matters and Things, contained in any Act or Acts of the Parliament of this Province for the Regulation of or relating to Gaols, which shall be in force and operation at the time of declaring and naming such New District as aforesaid, shall be and are hereby from thenceforth extended to the said Gaol and Court House, and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and Nisi Prius, General Quarter Sessions of the Peace, Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose by virtue of any Act or Acts of the Parliament of this Province.

Laws respecting Gaols and Court Houses to be applicable to the new District.

Courts to be held in the Court House hereby authorised to be erected.

IV. *And be it further enacted by the authority aforesaid,* That from and after the declaring and naming the said County of Prince Edward a Separate District as aforesaid, the Court of General Quarter Sessions of the Peace and District Court of the said District shall be respectively commenced and held at the place hereinbefore appointed for that purpose on the First Tuesday in the months of January, April, July and October, in each and every year, and that the Terms for the said District and Surrogate Court within and for such New District shall respectively commence on the Monday of the week next but one preceding the week in which the Court of Quarter Sessions and Sitting of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the Saturday following.

Periods for holding of the District Courts and Sessions of the Peace,

And Surrogate Court.

V. *And be it further enacted by the authority aforesaid,* That His Majesty's Justices of the Peace, and other persons holding any Commission or Office, or bearing lawful authority, and who shall be residing within the said County of Prince Edward at the time the same shall be declared and named a Separate District as aforesaid, shall continue to hold, enjoy, and exercise the like Commission, Office, Authority, Power and Jurisdiction within that District, in the same manner that they previously held, enjoyed and exercised within the Midland District; *Provided* that the Authority, Power and Jurisdiction, previously exercised by His Majesty's Justices of the Peace and other persons bearing Commission or Office or lawful authority within, or residing within the said County of Prince Edward, shall not in anywise be longer exercised or continued within the Midland District, but the same within that District shall from thenceforth cease and determine; *Provided*, that after declaring and naming such New District as aforesaid, His Majesty's Justices of the Peace

Justices of the Peace and other persons holding Offices and residing in Prince Edward at the time of its erection into a separate District, to continue their functions within such new District.

Limitation of the period for holding such Office.

Justices and others continuing to exercise their authority within the Midland District, shall cease to exercise the same in the new District.

and others who thenceforth continued to hold Commission or Office or bear lawful authority within the Midland District shall cease to hold such Commission or Office or to exercise such lawful authority within said New District to be declared and named as aforesaid, and that no Jurisdiction, Power or Authority, of whatever nature or kind soever to the said Midland District, at the time of the formation of such New District as aforesaid belonging or appertaining, shall longer extend or be construed to extend to the said New District.

Rates and Assessments how to be applied

VI. *And be it further enacted by the authority aforesaid,* That the ordinary Assessments and Rates levied within the said County of Prince Edward for the current year at the time the said County shall be declared and named a Separate District by virtue of this Act, and all future Assessments and Rates to be levied therein, shall be applied and expended for the like purposes within such New District as they at that time might be applied and expended under and by virtue of any Act or Acts of the Parliament of this Province in the Midland District, except in so far as the same may be varied by this Act.

Arrearages due to the Midland District to be paid over within two years after the erection of such new District.

VII. *And be it further enacted by the authority aforesaid,* That the Justices in General Quarter Sessions assembled for the District to be declared and named under this Act shall, and they are hereby required to order the Treasurer of the said District to pay, from and out of the Monies which he shall receive as such Treasurer, within two years after the erection of the said County of Prince Edward into a Separate District, such arrearages as may be due from the said District to the Midland District, for or on account of any Assessment or Rate imposed or levied but not Collected previous to the Separation of the said County of Prince Edward from the said Midland District, such arrearages to be certified to the Justices of the Peace for such District by the Treasurer and Chairman of the Quarter Sessions of the said Midland District.

Fifty Pounds granted annually to His Majesty for payment of Sheriff's Salary,

VIII. *And whereas* it is necessary to make provision for the office of Sheriff, and for the establishment and support of Schools within the aforesaid County of Prince Edward when the same shall have been declared a Separate District by virtue of this Act; *be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a Separate District by virtue of this Act, and the appointment of a Sheriff therein, there be granted to His Majesty, His Heirs and Successors, from and out of the monies now raised levied and collected, or hereafter to be raised levied and collected, to and for the uses of this Province and unappropriated, the sum of Fifty Pounds annually, which said sum of Fifty Pounds shall be appropriated and applied

for the payment of a Salary to the Sheriff, for the time being, of the said District to be named and declared as aforesaid.

IX. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a Separate District by virtue of this Act, there be granted annually to His Majesty His Heirs and Successors, from and out of the monies now raised levied and collected, or hereafter to be raised levied and collected to and for the uses of this Province and unappropriated, the sum of One Hundred Pounds annually, which said sum of One Hundred Pounds shall be appropriated applied and disposed of in paying the Salary of the Teacher of the Public District School which may be hereafter erected in the said District.

£100 granted annually to His Majesty for the support of a District School.

X. *And be it further enacted by the authority aforesaid,* That the said District School shall be opened and kept in the Township of Hallowell in the said District, at such place as the Trustees of the said District School or a majority of them may appoint.

District School to be opened in Hallowell.

XI. *And be it further enacted by the authority aforesaid,* That the said District School shall be established in like manner and under the same rules, regulations, and restrictions in every particular, as shall be mentioned and provided in the several Acts of the Parliament of this Province for the regulation of similar Schools in the other Districts of this Province in force and operation at the time such School shall be established.

The said District School to be under the like Rules as other District Schools.

XII. *And be it further enacted by the authority aforesaid,* That from and after the erection of the said County of Prince Edward into a Separate District as aforesaid, there be granted annually to His Majesty His Heirs and Successors, from and out of the Monies now raised levied and collected, or hereafter to be raised levied and collected to and for the uses of this Province and unappropriated, the sum of Two Hundred and Fifty Pounds, which sum of Two Hundred and Fifty Pounds shall be appropriated applied and disposed of in the establishment of Common Schools in the said District, in manner and under the same rules, regulations, provisions and restrictions in every particular, mentioned specified and contained in the several Acts of the Parliament of this Province for the regulation and support of similar Schools in the other Districts of this Province, which shall be in force and operation at the time such Schools shall be so established in the said projected District; *Provided nevertheless,* that nothing herein contained shall be construed or taken to destroy or abridge the right of such New District to participate in the Monies appropriated to the use of Common Schools in this Province by a certain

£250 granted annually to His Majesty for the support of Common Schools,

Which are to be under the same Regulations as other Common Schools.

Act of the Parliament of this Province passed in the fourth year of His late Majesty's Reign entitled, "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of Money to promote and encourage Education within the same," in addition to the above mentioned sum of Two Hundred and Fifty Pounds.

XIII. *Provided always, and it is hereby further enacted by the authority aforesaid,* That the Monies hereinbefore granted to His Majesty shall be paid by the Receiver General of this Province in discharge of such Warrant or Warrants as shall, for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the said Receiver General shall account for the same to His Majesty through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty His Heirs and Successors shall direct.

How Monies to be accounted for.

XIV. *And whereas,* under the authority of two several Acts of the Parliament of this Province, one passed in the second year of His late Majesty's Reign Chapter twenty-one, and the other passed in the fourth year of His late Majesty's Reign Chapter thirty-two, by which Acts His Majesty's Justices of the Peace for the Midland District are authorised to obtain by loan a sum of Money for the purpose of erecting a Gaol and Court House in the Town of Kingston, and under the authority of said Acts the sum of Four Thousand Pounds hath been borrowed by the Justices of the Peace for the said Midland District for the purposes therein specified, for the redemption of which loan the Rates of said Midland District, including the said County of Prince Edward, are by the said Acts rendered liable; *And whereas* it is expedient in case the said County should be declared and named a Separate District by virtue of this Act before the total liquidation of the said Debt of the said Midland District that the Inhabitants of the said County should continue subject and liable to contribute equally towards the payment thereof as if the said County had not been erected into a Separate District: *Be it therefore further enacted by the authority aforesaid,* That so soon after the passing of this Act as the said County of Prince Edward shall have paid into the Midland District Treasury, out of the Assessed Rates and Taxes now or hereafter raised within said County, the full sum of Six Hundred Pounds, it shall be and be taken to be in full satisfaction for all arrears of said Loan and Interest thereon to be contributed and paid by the said County towards the said Midland District Debt, and that from thenceforth all Rates and Taxes assessed and raised thereafter within said County or New District may and shall

£600 to be paid by the new District to the Treasurer of the Midland District, in full of arrears of Loan to the Midland District.

And thereafter the funds of the new District shall be applied to the uses thereof, &c.

be applicable and be applied to the uses and benefit of said County, and may by His Majesty's Justices of the Peace of and residing within said County be laid out and applied towards the erecting and building a Gaol and Court House as provided by this Act in and for the said County or New District, anything in this Act to the contrary in anywise notwithstanding.

May be applied towards the erection of a Gaol and Court House.

CHAP. VIII.

AN ACT to extend the time for taking the Oath prescribed by a certain Act passed in the ninth year of His late Majesty's Reign entitled, "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural Born British Subjects."

[Passed 16th March, 1831.]

WHEREAS the time allowed by the second Clause of an Act passed in the ninth year of His late Majesty's Reign entitled, "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of Natural Born British Subjects," will shortly expire; *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said second Clause of the said Act as limits the time for taking the Oath therein prescribed to three years from the passing thereof be and the same is hereby repealed.

Preamble.

9 Geo. 4, part of the 2nd Clause repealed.

II. *And be it further enacted by the authority aforesaid,* That the said period of three years be extended and the same is hereby extended to four years from and after the passing of this Act, and thence to the end of the then next ensuing Session of Parliament.

Time extended for taking Oath prescribed by 9 Geo. 4.

III. *And be it further enacted by the authority aforesaid,* That this Act shall be publicly read by the Clerk of the Peace immediately after

Act to be publicly read at the Court of Quarter Sessions.

empannelling the Grand Jury at the several Quarter Sessions of this Province for four successive Sittings of such Court after the first day of July next.

CHAP. IX.

AN ACT to provide for Settling and Determining by Arbitration certain difficulties that have arisen or may arise between persons owning Land in the Eighth Concession of Saltfleet and persons owning or claiming to own Lands in the First Concession of Binbrook, who through mistake may have made improvements on the rear part of the said Eighth Concession of Saltfleet.

[Passed 16th March, 1831.]

Preamble.

WHEREAS the Inhabitants residing on the front Concession of the Township of Binbrook in the County of Wentworth, in the District of Gore, having commenced their Improvements and erected their Buildings on the front of the said First Concession, and in accordance with a line run by Samuel Street Wilmot a Deputy Surveyor sent by order of the Government to ascertain and mark out the said line, and which line has since been discovered to be erroneous, as encroaching on the Eighth Concession or rear Boundary Line of the Township of Saltfleet, and by which the parties interested are liable to be exposed to great difficulty and loss: *And whereas*, the Inhabitants living on the First Concession of the Township of Binbrook aforesaid, and whose Improvements and Buildings are found to be on the Eighth Concession of Saltfleet, not having made such encroachments knowingly or with evil intention, it is therefore expedient that provision be made by Law to enable the parties to settle the difficulties that may have arisen or are liable to arise on account of the said error: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same.

That it shall and may be lawful for any person or persons owning Land in the Eighth Concession of Saltfleet and which may have been improved by any person or persons owning or claiming to own Lands in the First Concession of the Township of Binbrook and who shall not mutually agree to settle the matter in dispute between themselves, to submit the same to be determined by Arbitration, in the manner hereinafter set forth.

Owners of Land in Eighth Concession of Saltfleet may refer disputes respecting the same to Arbitration.

II. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons owning any Lot or parcel of Land in the Eighth Concession of Saltfleet aforesaid, and which may have been improved before the passing of this Act by any person or persons owning or claiming to own Land in the First Concession of Binbrook, to eject such person or persons from any such Improvement or take possession of such improved part of a Lot or Parcel of Land without the consent of the occupant thereof, unless the same shall have been submitted to the determination and award of Arbitrators indifferently chosen by the parties, for settling and determining the same.

Persons not to be removed from their respective Possessions unless disputes respecting the same shall have been submitted to Arbitration.

III. *And be it further enacted by the authority aforesaid,* That in all cases where the owner of any such improved part of a Lot or Parcel of Land, or the person having improved the same, or who may be otherwise interested therein, shall not agree as to the value of the Land so improved or the improvement thereon, it shall and may be lawful to and for each of the Parties so interested, to choose one fit and proper Person as an Arbitrator, and the two Arbitrators thus chosen may choose a third Arbitrator, and the three Arbitrators so chosen shall have full Power and Authority to award and determine the whole matter of difference between the Parties.

Arbitrators to be named, who shall choose an Umpire.

IV. *And be it further enacted by the authority aforesaid,* That before any Arbitrator shall enter upon the duties assigned him by this Act, he shall take the following Oath:—"I A. B. do solemnly swear that I will faithfully inquire into the matter in dispute between C. D. and E. F. and will make a just and true award thereon according to the best of my knowledge and belief—So help me God;" and which Oath it shall and may be lawful for any Justice of the Peace in the District of Gore to administer.

Arbitrators to take an Oath.
Form thereof.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Arbitrators, and they are hereby required to fix and determine the value of such Improvements, as also the value of the Land on which such Improvements may have been made, considered only in its uncultivated state.

Duty of the Arbitrators.

Owners of Land may receive the value of Land decided to be theirs, or pay the value of the improvements fixed by the award of Arbitrators.

VI. *And be it further enacted by the authority aforesaid,* That in all cases where an Award shall be made under this Act, determining the value of any such Improvement, it shall be optional with the owner of the Land, whether he will pay the amount at which such Improvement may be valued, or receive the sum awarded to be paid by the Person having made such Improvement as the value of the Land on which the same may have been made.

Certain persons not eligible to be named as Arbitrators.

VII. *And be it further enacted by the authority aforesaid,* That no Person owning Land in the Eighth Concession of the Township of Saltfleet, nor any Person who may claim remuneration for any such Improvement as aforesaid shall be eligible to be chosen or appointed an Arbitrator for the purposes of this Act.

If a road shall be laid out in front of Binbrook, the owners of the front Lots shall be entitled to the former allowance for Road.

VIII. *And be it further enacted by the authority aforesaid,* That if upon application to the Court of Quarter Sessions for the Gore District being made in the manner pointed out by Law, the aforesaid Line run by the said Samuel Street Wilmot, shall be confirmed as a Common Public Highway, it shall and may be lawful for the owners of the Land in the first Concession of the Township of Binbrook, to take, hold, occupy and enjoy the Road Allowance in front of the said first Concession in lieu thereof, any law, usage or custom to the contrary notwithstanding; *Provided always,* that the value of said Allowance be paid for by such occupant to the owners of Land in the eighth Concession of Saltfleet next adjoining.

Any award may be made a Rule of King's Bench.

IX. *And be it further enacted by the authority aforesaid,* That every award that shall be made as hereinbefore directed, shall be made a rule of His Majesty's Court of King's Bench, and as such may be specially pleaded by the Party or Parties having complied with the same.

CHAP. X.

AN ACT for vesting in Trustees, the Market Square in the Town of York, for the benefit of the Inhabitants of the said Town.

[Passed 16th March, 1831.]

Preamble.

WHEREAS Alexander Wood and Thomas Stoyell of the Town of York have by their Petition set forth that, by His Majesty's Letters

Patent the Market Square in the said Town, containing about four Acres and a half, had been granted in Fee Simple to the Honorable Henry Alcock, the Honorable Peter Russell, the Honorable Æneas Shaw, and the Honorable John McGill, without expressing as was intended any trust, that the same was intended for the use of the Public as a Market, and that the said John McGill, the sole surviving Grantee, by a certain Indenture of Lease for Nine Hundred and Ninety-nine Years, made between him and the said Petitioners, then serving as Town and Church Wardens for the said Town, and which said Indenture of Lease has been lost and cannot be found, hath as such survivor Leased the same to the Petitioners and their Successors in the said offices of Church and Town Wardens, for the management of the same for the use of the Public of the said Town, and that they were desirous of being relieved from the said trust, and praying that a Bill might be passed vesting the Market Square in Trustees, to for and upon such trusts as might be deemed proper: *And whereas* it is expedient to grant the prayer of the said Petitioners, and to make further provisions vesting the said Estate:—*Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Market Square, or ground appearing upon the Official Map of Survey of the said Town of York as Reserved for a Market, containing as is said about four and a half Acres more or less, be and the same is hereby vested in the Church and Town Wardens for the time being, and in their Successors in the said offices for ever hereafter, as a Corporation for Leasing and managing the same as hereafter mentioned.

Market Square vested in the Church and Town Wardens.

II. *And be it further enacted by the authority aforesaid*, That the said Church and Town Wardens for the time being, as such Corporation, shall have full authority and power to Lease the same in such parcels, and for and upon such terms as the Magistrates for the said District shall, in General or adjourned Sessions, from time to time order and direct.

Power to lease the Market Square in parcels.

III. *And be it further enacted by the authority aforesaid*, That all Monies arising from such Lease or Leases shall be paid into the hands of the Treasurer of the said District, and shall be at the disposal of the Magis-

Monies arising from Leases how to be applied.

trates of the said District for Public uses, for the benefit of the Inhabitants of the said Town of York, and for no other use or purpose whatsoever.

No present Lease
to be avoided by
this Act.

IV. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall extend or be construed to extend to do away, or in any manner to interfere with the present Leases of the said Market Square, but that the same shall be taken and considered to be valid and effectual to all intents and purposes whatsoever.

School lot vested in
the Trustees of the
Common School.

V. *And whereas* a certain part of the said Market Square, known as Lot number twelve in Market Lane, has been heretofore used for the purpose of a Common School House for the said Town, and it is expedient to provide for the permanent application of the same for the purposes of such Common School: *Be it therefore further enacted by the authority aforesaid,* That the said Lot number twelve aforesaid shall be, and the same is hereby deemed to be vested in the Trustees of the said Common School, and their successors duly appointed according to Law, as a Corporation for that purpose.

CHAP. XI.

AN ACT to Incorporate certain persons therein mentioned under the style and title of the Tay Navigation Company.

[Passed 16th March, 1831.]

Preamble.

WHEREAS Henry Graham, Alexander Fraser, Roderick Matheson, John McKay, George Hume Read, Josias Taylor, Henry Glass and others, of the Town and neighbourhood of Perth, in the District of Bathurst, have by Petition prayed to be Incorporated a Joint Stock Company for the purpose of Improving and rendering Navigable the River Tay, with such other persons as may feel disposed to undertake the said Improvement: *And whereas* by an Act passed in the eighth year of His late Majesty's Reign entitled, "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using, the Canal intended to be completed under His Majesty's direction for connecting the waters of Lake Ontario with the River Ottawa and for other purposes therein mentioned," power and authority were given to any Officers or persons employed by His Majesty in case His Majesty should desire to improve the Navigation of the Rivers Tay and Goodwood which empty

their Waters in the River Rideau, to enter into or upon the lands or grounds of or belonging to any person or persons on the borders of the said Rivers Tay and Goodwood, in the same manner, and for the like purposes, and subject to the same conditions as His Majesty is by the said Act authorised to do with respect to the Lands bordering on the River Rideau : *And whereas* it is expedient to repeal so much of the said Act as authorises His Majesty to cause the Navigation of the River Tay to be improved according to the provisions of the said Act, and to Incorporate the Petitioners for the purposes therein mentioned : *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said in part recited Act as relates to the improvement of the Navigation of the River Tay be, and the same is hereby, repealed.

Part of 8 Geo. 4, Ch. 1, repealed.

II. *And be it further enacted by the authority aforesaid*, That the said Henry Graham, Alexander Fraser, Roderick Matheson, John McKay, George Hume Read, Josias Taylor, Henry Glass, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact, by and under the name and style of the Tay Navigation Company, and that by such name they and their Successors shall and may have continued Succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever, and that they and their Successors shall have a Common Seal and may change and alter the same at their will and pleasure ; and also that they and their Successors by the same name of the Tay Navigation Company shall be in Law capable of purchasing, having and holding to them and their Successors, any Estate, Real, Personal or Mixed, to and for the use of the said Company, and demising, conveying, or otherwise departing therewith for the benefit and on the account of the said Company from time to time, as they shall deem necessary and expedient.

Tay Navigation Company Incorporated.

Capital Stock not to exceed £4000.

III. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock, inclusive of any Real Estate which the said Company may have or hold by virtue of this Act shall not exceed in value Four Thousand Pounds of lawful Currency of this Province, which Capital shall be composed of Six Hundred and Forty Shares of the value of Six Pounds Five Shillings each, and that the said Shares of the said Capital Stock shall be transferable and may be from time to time transferred by the respective persons so subscribing or holding the same to other person or persons: *Provided always,* that such transfer be entered or Registered in a Book or Books to be kept for that purpose by the said Company, and that no such transfer shall be made by any Stockholder of the said Company until after the expiration of one year from the period when the said work is completed.

Shares to be transferred upon the Books of the Corporation.

Shares to be subscribed, and to be payable by Instalments.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's Subjects or others, to subscribe for any number of Shares (not exceeding in the first instance Fifty,) the amount whereof shall be due and payable to the said Company in the manner hereinafter mentioned, that is to say,—ten per Cent on each Share so subscribed shall be payable to the said Company immediately after the Stockholders shall have Elected the number of Directors hereinafter mentioned, and the remainder by Instalments of not more than Twenty per Cent, at such periods as the President and Directors shall from time to time direct and appoint for the payment thereof: *Provided,* that no Instalment shall be called for in less than Thirty days after public notice shall have been given in all the Newspapers of the District of Bathurst: *Provided always,* that if any Stockholder or Stockholders as aforesaid shall neglect or refuse to pay to the said Company the Instalments due on any Share or Shares held by him, her or them, at the time required by Law, such Stockholder or Stockholders shall forfeit such Share as aforesaid, with the amount previously paid thereon, and the Share or Shares shall be sold by the Directors at Public Auction after having given Ten days notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other proceeds of the said Company: *Provided always,* that such purchaser or purchasers shall pay to the said Company the amount of the Instalment required over and above the Purchase Money of the Share or Shares to be purchased by him, her, or them as aforesaid, immediately after the sale and before they shall be entitled to a Certificate of the transfer of such Share or Shares so to be purchased as aforesaid.

Calls to be advertised.

Shares to be forfeited if Calls not paid.

V. *And be it further enacted by the authority aforesaid,* That so soon as Two Hundred Shares shall have been Subscribed it shall and may be lawful for such Subscribers or any of them, to call a Meeting at some place to be named, (in the Town of Perth) for the purpose of proceeding to the Election of the number of Directors hereinafter mentioned, and such Election shall then and there be made by a majority of Shares voted for in the manner hereinafter prescribed in respect of the Annual Election of Directors; and the persons then and there chosen shall be the first Directors and be capable of serving until the first Monday in January succeeding their Election; and the said Directors so soon as may be after the said Election, shall proceed in like manner to Elect by Ballot one of their number to be President for the like period, and the President and Directors so chosen shall, as soon as a deposit amounting to Ten Pounds per Centum upon the Shares subscribed as aforesaid shall be paid to the said Directors, commence the business and operations of the said Company: *Provided always,* that no such Meeting of the said Subscribers shall take place until a Notice is published in the Newspapers of the District of Bathurst at the distance of not less than Thirty days from the time of such notification.

First Meeting of Stockholders to choose Directors to be held in Perth.

When 10 per Cent: paid in Company may commence business.

VI. *And be it further enacted by the authority aforesaid,* That the Stock, Property, Affairs and Concerns of the said Corporation shall be managed and conducted by Seven Directors, one of whom shall be chosen President, who shall hold their Offices for one year, which Directors shall be Stockholders and shall be Inhabitants of this Province, and be Elected on the first Monday in January in every year at such time of the day and at such place near the line of the said intended Navigation as the majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in the Newspapers printed within the District of Bathurst of such time and place, not more than Thirty nor less than Fifteen days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all Elections for Directors shall be by Ballot, and the seven persons who shall have the greatest number of votes at any Election shall be Directors, except as is hereinafter directed; and if it should happen at any Election that two or more persons have an equal number of votes, in such manner that a greater number of persons than seven shall by plurality of votes appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such Election shall proceed by Ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors so as to complete the

Affairs to be managed by seven Directors.

Mode of Electing Directors.

whole number of seven, and the said Directors so soon as may be after the said Election, shall proceed in like manner to Elect by Ballott one of their number to be President, and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the Office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than five Directors, exclusive of the President who served for the last year, shall appear to be Elected, then the Election of such person or persons above the said number and who shall have the fewest number of votes shall be considered void, and such other of the Stockholders as shall be eligible and shall have the next greatest number of votes shall be considered as Elected in the room of such last described person or persons, who are hereby declared ineligible as aforesaid; and the President for the time being shall always be eligible to the Office of Director, but Stockholders not residing within the Province shall be ineligible; and if any Director shall absent himself from this Province and cease to be an Inhabitant thereof for the space of six months, his Office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors or in the Office of President, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least Five Shares.

Vacancies in the Direction during any current year to be filled up by the other Directors.

Qualification of Voters, and Ratio of voting according to number of Shares.

VII. *And be it further enacted by the authority aforesaid*, That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name at least three months prior to the time of voting (except at the first Election,) according to the following rates, that is to say,—at the rate of one vote for each Share not exceeding four; five votes for six Shares; six votes for eight Shares; seven votes for ten Shares; and one vote for every five Shares above ten.

Corporation not dissolved by Non-Election of Directors at the time appointed, but Election shall take place at another day.

VIII. *And be it further enacted by the authority aforesaid*, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Company as to them or to the majority of them shall appear advisable, and that once in every year, and oftener if thereunto required by a majority of the votes of the Stockholders to be given agreeable to the ratios hereinbefore established, at a General Meeting to be called for that purpose, an exact and particular Statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the Books, and to be open to the perusal of any Stockholder at his or her reasonable request.

Directors to declare dividends.

And to render to the Stockholders a statement of their affairs.

X. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper touching the management and disposition of the Stock, Property, Estate, and Effects of the said Corporation, and touching the amount of Tolls to be collected on the said Navigation, the duty and conduct of the Officers, Clerks, and Servants employed by the said Company, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many Officers, Clerks, and Servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided,* that such Rules and Regulations be not repugnant to the Laws of this Province.

Directors may make Bye-Laws, regulate Toll, and appoint Officers.

XI. *And be it further enacted by the authority aforesaid,* That every Treasurer, before he enters into the duties of his office, shall give bond with two or more Sureties in such Sum as may be satisfactory to the Directors with condition for the faithful discharge of his duty.

Treasurer to give security.

XII. *And be it further enacted by the authority aforesaid,* That the said Company, or any person or persons authorised by them, shall have full power and authority to explore the Country through which the River Tay runs, and to enter into and upon the Lands or grounds of or belonging to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and set out and ascertain such parts thereof as he or they shall think proper and necessary for making Locks, Aqueducts, Tunnels, Culverts, Bridges, and all such other improvements, matters, and conveniencies as he shall think proper and necessary for making, effecting, preserving, improving, completing, and using in the said Navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may be dug or got in the making of the said Navigation, Locks, Tunnels, Aqueducts, Culverts

Company authorised to explore the country take Levels, and set out such portion of Lands as may be required for the use of the Company.

General powers of the Company in improving the Navigation.

Bridges. &c. to be erected.

or other improvements, or out of any Lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing or repairing the said Works or Improvements, or which may obstruct the making or maintaing the said Navigation ; and also to make, build, erect, and set up, in and upon the said River, or upon the Lands adjoining or near to the same, such and so many Bridges, Tunnels, Acqueducts, Sluices, Locks, Wears, Pens for water Tanks, Reservoirs, Drains, Wharves, Quays, Landing-places, and other Works, Ways, Roads and conveniencies, as the said Company or any person or persons authorised by them as aforesaid shall think requisite and convenient for the purposes of the said Navigation, and also from time to time to alter, amend, repair, widen or enlarge the same, or any other of the conveniencies above mentioned, as well for carrying or conveying goods; commodities, timber and other things to and from the said Navigation, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening, or enlarging the Works of and belonging to the said Navigation ; and also place, lay, work, and manufacture the said materials on the ground near to the place or places where the said Works or any of them are or shall be intended to be made, erected, repaired or done, and construct the several Locks, Bridges, Works, and Erections belonging thereto ; and also to make, maintaing, repair and alter, any fences or passings over, under, or through the said River, or the Reservoirs and Tunnels, Acqueducts, Passages, Gutters, Water-courses, and Sluices respectively, which shall communicate therewith ; and also to make, set up and appoint, Drawing Boats, Barges, Vessels or Rafts, passing in, through, along or upon the said River, as the Company, or person or persons authorised by them as aforessid shall think convenient ; and to construct, erect and keep in repair any Piers, Arches, or other Works, in, upon and across any Rivers or Brooks, for making, using, maintaining and repairing the said Navigation and the Towing-Paths on the sides thereof ; and also to construct, make and do all other matters or things which he or they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Navigation in pursuance and within the true meaning of this Act, doing as little damage as may be in the execution of the several powers to them hereby granted.

Company may contract for the purchase of the Lands set out as necessary for their use.

XIII. *And be it further enacted by the authority aforesaid,* That after any Lands or grounds shall be set out and ascertained to be necessary for making and completing the said Navigation and other purposes and conveniences hereinbefore mentioned, the said Company or person or persons authorised by them as aforesaid, is hereby empowered to contract, compound, compromise and agree with all Bodies Politic, Communities,

Corporations, aggregate or sole Guardians, and all other person or persons, for themselves or as Trustees, not only for and on behalf of themselves their Heirs and Successors, but also for and on behalf of those whom they represent, whether Infants, Lunatics, Idiots, Femmes Covert, or other person or persons who shall occupy, be possessed of, or interested in any Lands or Grounds which shall be set out or ascertained as aforesaid, for the absolute surrender to the said Company of so much of the said Land as shall be required, or for the damages which he, she, or they, may reasonably claim in consequence of the said intended Improvement, or other the Works of and belonging to the said Navigation, and other Constructions and Erections, being cut and constructed in and upon his, her, or their respective Lands, and that all such Contracts, Agreements and Surrenders, shall be valid and effectual in Law to all intents and purposes whatsoever, any Law, Statute; or Usage to the contrary notwithstanding.

XIV. *And be it further enacted by the authority aforesaid,* That such parts and portions of Land or Lands covered with water as may be so ascertained and set out by the Company, or person or persons appointed as aforesaid and necessary to be occupied for the purposes of the Improvement of the said Navigation, and also such parts and portions as may upon alteration or deviation be ascertained and set out as necessary for the purposes thereof, shall be for ever thereafter vested in the said Company. Lands set out to be vested in the Company.

XV. *And be it further enacted by the authority aforesaid,* That if before the completion of the said Navigation through the Lands or Grounds of any person or persons, no voluntary agreement shall have been made as to the amount of compensation to be paid for damages according to this Act, the person or persons superintending the said Work shall at any time after the completion of such portion of the Improvement of the said Navigation, upon the notice or request in writing of the proprietor of such Lands, or his Agent legally authorised, to appoint an Arbitrator, who at a day to be named in such notice shall attend upon the premises in question, to meet an Arbitrator to be appointed by such claimant, and such two Arbitrators shall and may, before proceeding to consider the claim, appoint a third Arbitrator, which three Arbitrators being first sworn by some one of His Majesty's Justices of the Peace then there present to give a just and true award upon the claim submitted to them, shall, upon the statements of the parties and view of the premises, and upon the testimony of Witnesses to be examined upon Oath or Affirmation, if either party shall require it; (which Oath or Affirmation any one of the said Arbitrators is hereby authorised to administer) make their award in Disputes between the Company and Individuals may be left to Arbitration.

writing under their hands of the amount of damages to be paid to such claimant.

Party declining to abide by award to give notice thereof to the other party, and to pay the costs of Assessing Damages by a Jury.

XVI. *And be it further enacted by the authority aforesaid,* That if either the person or persons superintending the said Work or the party claiming damages as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing within ten days after such award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expense of the party refusing to abide by such award.

Notice of Assessment of Damages to be served by party dissenting from any award, not less than thirty days from the time of dissent being notified.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases in which awards shall be made, to which either party shall refuse to conform as aforesaid, it shall and may be lawful for the party dissenting from such award to serve on the other party a notice in writing, appointing a day, not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation according to this Act assessed, in the manner hereinafter provided, and that the party giving such notice shall also specify some day therein, which shall be at least ten days before the day appointed for such assessment, and not less than ten days from the time of serving such notice, at which he will attend at the Office of the Sheriff of the District of Bathurst for the purpose of striking a Jury to assess the damages so claimed as aforesaid.

Jury to be struck at the Sheriff's Office, from the Special Jury List.

XVIII. *And be it further enacted by the authority aforesaid,* That on the day so appointed as last aforesaid, the parties, their Attornies or Agents, shall attend at the Sheriff's Office, and that the Sheriff shall at the hour of one o'clock in the afternoon proceed in the presence of the parties, or such of them, their Attorney or Agent, as may be present, to select the names of twenty-one persons from among those qualified to serve on Special Juries, and in the manner directed by Law for selecting Special Juries, and that the names of such twenty-one persons so drawn being fairly written out by such Sheriff, each party, or his Attorney or Agent attending for that purpose, shall alternately strike off one, that party beginning at whose instance such Jury is struck, until the whole number shall be reduced to seven, and that such seven persons shall be a Jury for assessing the damages to be paid to such claimant as aforesaid: *Provided always,* that in case either party shall omit to attend personally or by Agent at the time appointed, the Sheriff or his Deputy shall strike in behalf of such person not attending.

XIX. *And be it further enacted by the authority aforesaid,* That the seven persons so struck to serve as aforesaid, shall be Summoned by the Sheriff to attend upon the premises in respect to which the damages are claimed as aforesaid, giving not less than ten days notice of such attendance, and that the Sheriff or his Deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer upon being called in the order in which they shall stand upon the Original List, the Oath following, that is to say,—“I A. B. do swear that I will well and truly assess the damages upon the claim of C. D., according to the Act in that behalf”; and thereupon the said Jury having viewed the Premises, and received the testimony, upon Oath or Affirmation of such Witnesses as shall be brought before them, (which Oath or Affirmation the said Sheriff or his Deputy is hereby authorised to administer) shall deliver their verdict by the opinion of the majority of such Jury of the amount of damages to be paid to such claimant.

Sheriff to Summon the persons who shall have been struck as Jurors.

Jurors' Oath.

XX. *And be it further enacted by the authority aforesaid,* That in estimating the claim of any individual to compensation for property taken, or for damage done under the authority of this Act, the Arbitrators or Juries assessing such damages shall take into their consideration the benefit likely to accrue to such individual from the improvement of the said Navigation, by its enhancing the value of his Property or producing other advantages: *Provided always, nevertheless,* that it shall not be competent to any Arbitrators or Jury to direct any individual claiming as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such individual shall be estimated.

Mode of estimating Damages.

XXI. *And be it further enacted by the authority aforesaid,* That the party desiring such Jury to be Summoned shall pay to the Sheriff for striking and Summoning the same and for attending and taking the Verdicts, the sum of Two Pounds, and to each Jurymen attending in pursuance of such Summons, the sum of Ten Shillings.

Party requiring Jury, to pay all the expenses.

XXII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully or maliciously break down, damage or destroy, any Bank, Lock, Gate, Sluice, or any Works, Machine or device, to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder or prevent, the carrying into execution, or completing, supporting or maintaining the said Navigation, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Persons guilty of wilfully injuring the Works to be punished as for a misdemeanor.

Penalty for obstructing the Navigation.

XXIII. *And be it further enacted by the authority aforesaid,* That if any person shall float any Timber upon the said Navigation, or shall suffer the overloading of any Boat, or Vessel, or Raft, navigating in or upon the Navigation of the said River, so as by such overloading the same, to obstruct the passage of any other Boat, Vessel or Raft, and shall not immediately, upon due notice given to the owner or person having the care of such Boat, Vessel or Raft, so obstructing the passage aforesaid, remove the same so as to make a free passage for other Boats, Vessels or Rafts, every such Owner or Person floating such Timber, or having the care of such Boat Vessel or Raft so obstructing the Passage as aforesaid, shall forfeit and pay for every such offence the sum of Five Pounds; and if any person shall throw any ballast, gravel, stones, or rubbish into any part of the said navigation, every such person shall for every such offence forfeit a sum not exceeding Five Pounds.

Penalty for placing or leaving Boats, &c. in the said Navigation.

XXIV. *And be it further enacted by the authority aforesaid,* That if any Boat, Vessel or Raft, shall be placed in any part of the Navigation of said River so as to obstruct the same, and the person having the care of such Boat, Vessel or Raft, shall not immediately upon the request of any of the persons employed by the said Company, remove the same, he shall for every such offence forfeit a penalty of Ten Shillings for every hour such obstruction shall continue, and it shall be lawful for the Agents, Toll-gatherers or others employed by the said Company, or Person or Persons by them appointed to the charge of said Works, to cause any such Boat, Vessel or Raft, to be unloaded if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such Boat, Vessel or Raft, and the Cargo thereof, or any part of such Cargo, until the Charges occasioned by such unloading and removal are paid, and if any Boat or Vessel shall be sunk in any part of the said navigation, and the owner or owners, or the person or persons having the care of such Boat or Vessel, shall not without loss of time weigh or draw up the same, it shall be lawful for the Agents, Toll-gatherers or other persons employed by the said Company, to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expences necessarily occasioned thereby.

Boats may be seized, unloaded, and detained until costs paid.

Sunken Boats to be immediately weighed by the owners.

Persons inhabiting the Banks of the River may ply thereon with their Boats for the purposes of Husbandry, but not to pass Locks without consent.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any Land adjoining to the said River or Navigation, to use any Boats thereon for the purpose of husbandry, or for conveying Cattle from one Farm, part of a Farm, or Lands, to any other Farm or Lands of the same owner or occupier, not passing through any Lock without the consent of the person

or persons in charge for the time being, without interruption and without paying any rate or duty for the same, so as the same be not made use of for the Carriage of any Goods Wares or Merchandize to Market, or for Sale, or for any person or persons for hire, and shall not obstruct or prejudice the said Navigation or the Towing Paths thereof.

XXVI. *And whereas*, it may hereafter happen from Floods, or from unexpected accidents, that Weirs, Gates, Dams, Banks, Reservoirs, Trenches or other Works of the said Navigation may be damaged or destroyed, and the adjacent Lands or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further damages; *Be it further enacted by the authority aforesaid*, That when and so often as any such case may happen, it shall be lawful for any person or persons employed by the said Company from time to time without any delay or interruption from any person or persons whomsoever, to enter into any Lands, Grounds or Hereditaments adjoining or near to the said Navigation or Branches, Reservoirs or Trenches, or any of them (not being an Orchard Garden or Yard,) and to dig for, work, get and carry away and use all such Stones, Gravel and other materials as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such Lands, Grounds or Hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owner or owners of, or other persons interested in such Lands, Grounds, Property or Hereditaments, within the space of Six Calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away and rising such Stones, Gravel and materials, or any of them, which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained and determined, by the ways and means hereinbefore described with respect to the other damages done by the making and completing the said Navigation.

Powers given to the Company to enter upon adjacent Lands and take materials for the repair of sudden injuries by floods or otherwise.

Recompense to be made for damages done.

XXVII. *And be it further enacted by the authority aforesaid*, That the person or persons employed by the said Company shall and may, in such parts of the said Navigation as shall not be of sufficient breadth for admitting a Boat, Vessel or Raft, to turn about or lie, or for two Boats or other Vessels or Rafts to pass each other, to open or cut proper places or spaces in the Lands adjoining to the said Navigation at convenient distances from each other for the turning, lying, and passing of any such Boat, Vessel or Raft, and that the said Boats, Vessels and Rafts, being

Spaces may be cut in the bank at convenient distances, for Boats to pass each other or turn in.

hauled or navigated upon the said River shall, upon meeting any other Boat or Vessel, stop at or go back to and lie in the said places or spaces, in such manner as shall be notified by the person or persons in charge of such Navigation.

All Boats to be gauged or measured, to ascertain their Tonnage.

Disputes to be settled by Arbitration.

XXVIII. And for preventing disputes touching the Tonnage of any Boat, Barge, or other Vessel Navigating upon the said River—*Be it further enacted by the authority aforesaid*, that the Owner or Master of every such Boat, Barge or Vessel, shall permit and suffer every such Boat, Barge or Vessel, to be Guaged or Measured, and refusing so to permit and suffer, shall forfeit and pay the sum of Forty Shillings ; and it shall be lawful for the Toll-gatherer or such other person or persons as shall be appointed for that purpose, and such Owner or Master, each to choose one person to measure and ascertain such Tonnage, and to mark the same on such Boat, Barge, or other vessel, which mark shall always be evidence of the Tonnage in all questions respecting the payment of the aforesaid Rates or Dues, and if such Owner or Master shall refuse or decline to choose a person on his behalf as aforesaid, then the person appointed on behalf of the Company shall have alone the power of ascertaining such Tonnage.

All persons may use the said Improvements, upon payment of the established Dues.

XXIX. *And be it further enacted by the authority aforesaid*, That all persons whatsoever shall have free liberty to use with Horses, Cattle and Carriages, the Roads and Ways to be made as aforesaid (except the Towing Paths) for the purpose of carrying any goods, wares, merchandize, timber and commodities whatsoever, to and from the said Navigation ; and also to Navigate on the said River Improvement with any Boats, Barges, Vessels or Rafts, and to use the said Wharves and Quays for loading and unloading any goods, wares, merchandize, timber and commodities ; and also to use the said Towing Paths with Horses for drawing and hauling such Boats and Vessels, upon payment of such Rates and Dues as shall be established by the said Company.

Company may take sufficient Land for Towing-Paths, &c.

Towing-Paths not to exceed forty feet in width.

Lands to be paid for.

XXX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company to take, occupy, use and enjoy, such Lands along the said Navigation for the purposes of a Towing Path, and for the security and convenience of the several Locks and Dams, as to the Directors shall seem necessary : *Provided always*, that the said Towing Path does not exceed forty feet in width, and the ground so taken at each Dam and Lock shall not embrace a greater quantity than one Acre on each side of the said Navigation : *And provided also*, that the value of the Lands so taken shall be ascertained and compensated for in

the manner hereinbefore prescribed for the payment of Lands taken for the other purposes of this Act.

XXXI. *And be it further enacted by the authority aforesaid,* That in case of refusal or neglect of payment of any such Rates or Dues as may be imposed by the said Company as aforesaid for passing along the said Navigation, or of any part thereof, on demand, to the person or persons appointed to receive the same, such person may in his own name sue for and recover the same in any Court having Jurisdiction thereof, or the person or persons to whom the said Rates or Dues ought to be paid may, and he is, and they are hereby authorised and empowered to Seize and Detain such Boat, Vessel, Barge or Raft, for or in respect whereof such Rates or Dues ought to be paid, and detain the same until payment thereof.

Company may either sue or distrain for dues.

XXXII. *And be it further enacted by the authority aforesaid,* That all Penalties and Forfeitures for offences against this Act, or against any Rule, Order or Bye-Law of the said Company, or person or persons appointed by the said Company, to be made in pursuance thereof, shall, upon proof of the offences respectively before any two Justices of the Peace for the District in which such offence has been committed, either by the confession of the party or parties, or by the Oath of one credible Witness, be levied by distress and Sale of the Goods and Chattels of the parties offending, by Warrant under the Hand and Seal of such Justices, and the overplus, (if any) after such Penalties and Forfeitures and the charges of such distress and Sale are deducted, shall be returned upon demand to the owner or owners of such Goods and Chattels; and in case sufficient distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices, by Warrant under their Hands and Seals, to cause such offender or offenders to be committed to the Common Gaol of such District, there to remain without bail or mainprise, for such time as such Justices may direct not exceeding twenty days, unless such Penalties and Forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied.

How Penalties to be levied.

XXXIII. *And be it further enacted by the authority aforesaid,* That all Penalties imposed by this Act, when levied and satisfied in manner aforesaid, shall be paid to the said Justices, to be by them transmitted to His Majesty's Receiver General of this Province, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being.

Appropriation of Penalties.

XXXIV. *And be it further enacted by the authority aforesaid,* That all and singular the powers and authorities given by this Act to the said

Powers given to the Company to extend to their servants.

Company, or to the person or persons to be employed by them in superintending the construction of the said Navigation, or to the person at any time hereafter in charge thereof, shall extend, so far as may be required for the purposes of this Act, to all and every the persons employed or to be employed in the execution of any matter authorised to be done by this Act.

Powers and privileges hereby granted to extend to the Bed of the River Tay where it shall be improved as well as to the excavation on land.

XXXV. *And be it further enacted by the authority aforesaid,* That all and every the powers, authorities and privileges by this Act given, relating in any manner to the improvement of the said River intended to be made as aforesaid, shall extend and apply to that part of the Navigation to be made or improved which shall lie along the said River, as well as to such parts as shall require to be wholly made and excavated through Lands affording now no natural channel.

All Actions to be brought within six months.

XXXVI. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in execution of the powers and authorities, or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within Six Calendar Months next after the doing or committing of such damages shall cease, and not afterwards, and the Defendant or Defendants in such Action or Suit shall and may plead the general issue and give this Act and the Special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to be done so, or if any Action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the Defendant.

General issue may be pleaded.

Public Act.

XXXVII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed a Public Act, and shall be judicially noticed as such in the several Courts in this Province.

When Tolls exceed twenty per Cent. Legislature may regulate the same.

XXXVIII. *And be it further enacted by the authority aforesaid,* That whenever it shall appear that the Tolls received by the said Tay Navigation Company in any one year shall exceed Twenty per Cent on the Capital invested, it shall and may be lawful for the Legislature of this Province to regulate the Tolls to be received by the said Company in such manner as to them may appear just, by any Act to be passed for that purpose.

XXXIX. *And be it further enacted by the authority aforesaid,* That notwithstanding any thing in this Act contained, it shall and may be

lawful to authorise one or more public Ferry or Ferries across the said River, if the same shall appear expedient, and to erect, maintain, and use such Bridge or Bridges over the said River, and to make and use such Highways leading to and from the same as shall be found necessary for public convenience, in the same manner as Highways and Bridges are constructed and made in other parts of this Province, and as if this Act had not been passed: *Provided always*, that such Highways and Bridges shall be so constructed and made as to occasion no unnecessary inconvenience to the said Navigation.

Ferries may be established across the River if found necessary.

Bridges may be erected,

But not to occasion inconvenience to the Navigation.

XL. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Navigation, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the Works and Dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Navigation, together with such further sum as will amount to Twenty-five per Cent upon the monies so advanced and paid, as a full indemnification to such Company, and the said navigation shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the Provisions of any Act of the Legislature of this Province, that may be passed of or respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said Fifty Years, to assume the possession and property of the said Navigation, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year upon an average the sum of Twelve Pounds Ten Shillings for every Hundred Pounds they shall be possessed of the in the said concern.

His Majesty may assume the said Navigation upon paying therefor.

XLI. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Navigation shall have been assumed by His Majesty, His Heirs or Successors, as hereinbefore authorised, all Tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the Public uses of this Province at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners

After His Majesty shall have assumed the possession of the said Navigation, Tolls to be paid to the Receiver General.

How to be accounted for.

of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Navigation shall be commenced within one year and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained shall cease and be utterly null and void.

If within two months from the passing of this Act the Governor shall ascertain that the Officer superintending the Rideau Canal shall deem it expedient to improve the Navigation of the Tay on behalf of His Majesty's Government, the same shall be declared by Proclamation, whereupon this Act shall cease to have any effect.

XLII. *And be it further enacted by the authority aforesaid*, That if within two months after the passing of this Act it shall be ascertained by the Governor, Lieutenant Governor, or person Administering the Government of this Province, that the Officer Superintending the construction of the Rideau Canal is instructed to undertake the improvement of the Navigation of the River Tay, or deems it expedient that the same should be undertaken by His Majesty's Government, under authority given by the Twenty-fifth Section of the Act passed in the eighth year of His late Majesty's Reign, then it shall and may be lawful for the Governor, Lieutenant Governor, or person Administering the Government of this Province, by Proclamation to be issued by and with the advice of the Executive Council thereof, to suspend the operation of this Act, and from thenceforth it shall cease to have any force or effect, any thing therein contained to the contrary notwithstanding.

CHAP. XII.

AN ACT to Incorporate certain Persons under the Style and Title of the Marmora Foundery Company.

[Passed 16th March, 1831.]

Preamble.

WHEREAS Thomas Hetherington, Peter McGill and Anthony Mahanahan have by their Petition represented, that the said Thomas Hetherington is now the Proprietor of the Establishment and Manufactory situate in the Township of Marmora, in the Midland District, commonly called and known by the name of "the Marmora Iron Works," and that the said Thomas Hetherington is willing and desirous to depart with his sole property therein, to a Company to be formed and Incorporated for the purpose of carrying on the said Manufactory; *And whereas*, the said Petitioners have prayed that they, together with such others as shall become Stockholders in the said Company, may be Incorporated for the said purpose; *And whereas* it is highly important to the Public, that the

said Iron Works and Manufactory should be conducted on an extensive scale, so that His Majesty's Subjects in this Province may have a cheap and accessible Market for the supply of Iron-Wares independant of any Foreign Country; *And whereas* the said Petitioners have also represented that the said Company will be capable of furnishing such Ordnance, Military and Naval Stores, in the line of their Trade, as His Majesty's Government may require in this Province, in Peace or War; *And whereas* it is expedient that the prosecution of the said Manufactory and Iron Works should be encouraged and the prayer of the Petitioners granted: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Thomas Hetherington, Peter M'Gill and Anthony Manahan, and all such Persons as hereafter shall become Stockholders in the said Company, shall be and are hereby ordained, constituted, appointed and declared to be a Body Corporate and Politic, in fact and by the name of "the Marmora Foundry Company," and by that name they and their Successors shall and may have continued Succession, and by such name shall be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and Places whatsoever, in all manner of actions, suits, complaints, matters and causes; and that they and their Successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure, and also that they and their Successors by the same name of "the Marmora Foundry Company," shall be in Law capable of purchasing, having and holding to them and their Successors, any Estate, Real, Personal or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time as they shall deem necessary and expedient.

The Marmora
Foundry Company
Incorporated.

Powers of the
Company.

II. *And be it further enacted by the authority aforesaid,* That the whole amount of Stock, Estate and Property, which the said Company shall be authorised to hold, including the Stock or Shares hereinafter mentioned, shall never exceed in value Fifty Thousand Pounds, and that a Share in the Stock of the said Company shall be Twelve Pounds Ten Shillings, and the number of Shares shall not exceed Four Thousand.

Capital Stock not to
exceed £50,000, in
Shares of £12 10s.
each.

Books of subscription
to be opened.

III. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be open within Two months after the passing of this Act, when, where, and by such person or persons, and under such Regulations as the majority of the said Petitioners shall direct and appoint.

Shares to be payable
by Instalments.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons to subscribe for any number of Shares, the amount whereof shall be due and payable to the said Company, in the manner hereinafter mentioned; that is to say, Ten per Cent on each Share so Subscribed, shall be payable to the said Company immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by Instalments of not more than Ten per Cent, at such period as the President and Directors shall, from time to time direct and appoint for the payment thereof; *Provided always,* that no Instalment shall be called for in less than Forty Days after public notice shall have been given in the Upper Canada Gazette, and in some two or more Newspapers published in the said Midland District.

Calls to be advertised.

Stock to be forfeited
upon neglect to pay
Instalments when
called for.

V. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders as aforesaid, shall neglect or refuse to pay to the said Company, any Instalment due on any Share or Shares, held by him, her or them, at the time required by Law, such Stockholder or Stockholders shall forfeit such Share or Shares with the amount previously paid thereon, and the Share or Shares so forfeited, shall be sold for the best price that can reasonably be had for the same in such manner as the Directors of the said Company shall think fit, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other Funds of the said Company; *Provided always,* that such Purchaser or Purchasers shall pay to the said Company the amount of the Instalment required over and above the Purchase money, of the said Share or Shares to be purchased by him, her or them, as aforesaid, immediately after the sale, and before a Certificate of Transfer of such Share or Shares shall be given.

Stock to be trans-
ferable.

VI. *And be it further enacted by the authority aforesaid,* That after the first Instalment shall be paid as aforesaid, on the respective Share or Shares of the said Stock, the said Share or Shares shall become transferable on the Books of the said Company.

On £20,000 being
Subscribed Directors
may be Elected.

VII. *And be it further enacted by the authority aforesaid,* That so soon as Twenty Thousand Pounds shall have been Subscribed, it shall and may be lawful for such Subscribers, or any of them, to call a meeting at

some place to be named in the Town of Bellville, for the purpose of proceeding to the Election of the number of Directors hereinafter mentioned, and such Election shall then and there be made by a majority of Shares voted for in manner hereinafter prescribed, in respect of the Annual Election of Directors, and the Persons then and there chosen, shall be the first Directors, and be capable of serving until the first Monday in August succeeding their Election, and the Directors so chosen, shall so soon as a Deposit amounting to One Thousand Pounds upon the Shares subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the Company; *Provided always*, that no such meeting of the Subscribers shall take place until a Notice thereof shall have been published in the Upper Canada Gazette, and in some two of the Newspapers Printed in the said Midland District, at the distance of not less than thirty days previous to such meeting.

VIII. *And be it further enacted by the authority aforesaid*, That the Stock, Property, Affairs and Concerns of the said Corporation, shall be managed by Five Directors, one of whom shall be chosen President by the Directors, which said Directors shall be Stockholders holding at least ten Shares in the Stock of the said Company, and shall hold their offices for one year, and be elected on the First Monday in August in each and every year, at such place in the said Midland District as the majority of the Directors for the time being shall appoint, and Public notice shall be given by the said Directors in the Upper Canada Gazette, and in some two of the Newspapers printed in the said Midland District, of such place and the time of such Election, not more than Sixty nor less than Thirty days previous to such Election, and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in person or by proxy, and such Election shall be made by Ballot, and the five persons having the greatest majority of votes shall be Directors, and if it should happen at any Election that two or more persons have an equal number of votes, so as that a greater number than five shall appear to be Elected, then the said Stockholders so authorised to hold such Election shall proceed to ballot a second time, and by a majority of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the number of five, and the said Directors, so soon as may be after such Election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy should at any time happen among the said Directors, or in the office of President, by death, resignation, or departure with the said qualification of holding the number of Shares required as aforesaid, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by a person or per-

Five Directors to be chosen annually, one of whom to be President.

Method of voting for Directors.

sons holding the requisite number of Shares aforesaid, to be nominated by a majority of the said Directors.

Corporation not dissolved by neglect to choose Directors on the day appointed.

IX. And be it further enacted by the authority aforesaid, That in case it shall happen at any time or times hereafter that an Election of Directors should not be made on any day when, pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an Election of Directors in such manner as shall have been regulated by the laws and ordinances of the Corporation.

Directors may make By-Laws.

X. And be it further enacted by the authority aforesaid, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules, Orders and Regulations, as to them shall appear needful and proper touching the management and disposition of the Stock, Property, Estate, and Effects of the said Corporation, and touching the duty and conduct of Officers, Clerks and Servants, employed by the said Company, and all such other matters as shall appertain to the business of the said Corporation, and shall also have the power of appointing as many Officers, Clerks and Servants, Factors and Agents, for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided always,* that such Rules and Regulations be not repugnant to the Laws of this Province.

Directors to declare all Dividends.

And to make a statement of the affairs of the Company to the Stockholders.

XI. And be it further enacted by the authority aforesaid, That it shall be the duty of the Directors to make half yearly dividends of so much of the Profits of the said Company as to the majority of them shall seem adviseable, and that once in every three years, or oftener if thereto required by any number of Stockholders holding at least one third part of the Shares or Stock which shall then be subscribed for and taken up, an exact and particular Statement of the Debts and Credits of the said Company, together with all other information concerning the affairs of the said Company within the knowledge or power of the said Directors; which shall be required by any number of Stockholders holding as aforesaid the third part of the Stock then subscribed, shall be rendered and exhibited.

Stockholders to vote according to their Shares.

XII. And be it further enacted by the authority aforesaid, That each Stockholder shall be entitled to a number of Votes, proportioned to the number of Shares, which He or She shall have held in his or her own name at least three months prior to the time of Voting, (except at the first Election) according to the following rates: that is to say, at the rate of One Vote for each Share, not exceeding four, five Votes for Six

Shares, Six Votes for Eight Shares, Seven Votes for Ten Shares, and One Vote for every Five Shares above Ten.

XIII. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever, the right of His Majesty, His Heirs and Successors, or of any Person or Persons, Bodies Politic or Corporate, except as is herein expressly provided. The King's Rights, and all private Rights saved.

XIV. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a Public Act, and as such shall be Judicially noticed by all Judges, Justices of the Peace, and other Persons without being specially pleaded. This to be deemed a Public Act.

XV. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall interfere with, or in any manner affect the private vested right of any Person or Persons whatsoever.

CHAP. XIII.

AN Act to Incorporate the Niagara Harbour and Dock Company.

[Passed 16th March, 1831.]

WHEREAS James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cormick, James Lockhart and Robert Kay, and others of the Town and Neighbourhood of Niagara, have by Petition prayed to be Incorporated as a Joint Stock Company, for the purpose of Constructing, Erecting and Managing a Harbour Wharf, Dry and Wet Docks, in conjunction with an Iron Marine Rail Way, for the constructing, repairing and refitting any Shipping, Vessels or Crafts Navigating Lake Ontario, at the mouth of the Niagara River; *And whereas* it is expedient to Incorporate the said Petitioners for the purposes hereinafter mentioned.—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in

Preamble.

North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cormick, James Lockhart and Robert Kay, together with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic in fact, by and under the name and style of "The Niagara Harbour and Dock Company," and by that name they and their Successors shall and may have continued Succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters, and concerns whatsoever, and that they and their Successors may and shall have a common Seal, and may change and alter the same at their will and pleasure; and also that they and their Successors by the same name of "The Niagara Harbour and Dock Company," shall be by Law capable of purchasing, having and holding, to them and their Successors, any Estate, Real, Personal or Mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company, from time to time as they shall deem necessary and expedient.

The Niagara Harbour
and Dock Company
Incorporated.

General Powers.

Company authorised
to construct a
Harbour, &c. at
Niagara.

II. *And be it further enacted by the authority aforesaid,* That the said Company may be authorised and empowered at their own costs and charges to construct a Harbour and Wharf and Wharves, with a Dry Dock or Rail Way regulated for refitting and repairing all Shipping at Niagara aforesaid, which said Wharf or Wharves, Harbour and Dry Dock, or Rail Way, shall be accessible to, and fit, safe, and commodious for the reception of such description and burthen of Sail or Steam Vessels as now navigate Lake Ontario; and also to erect and build all such necessary and needful Moles, Piers, Wharves, Break-waters, or other erection or constructions whatsoever, as shall be useful and proper for the purposes aforesaid, and the protection of the Harbour, Wharf or Wharves, Docks or Rail Ways, and for the accommodation and convenience of Vessels entering, lying, loading and unloading, repairing, refitting, or laying up in the same, and to alter, amend, repair, and enlarge the said Harbour, Wharf or Wharves, and Docks or Rail Way as aforesaid, as may from time to time be found necessary and expedient.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company may be empowered to contract, compound,

compromise and agree, with the owners or occupiers of any Lands or private Easements, rights or privileges, upon which they may determine to dredge, cut, and construct the said Harbour, with all necessary and convenient Roads, Streets, and approaches thereto, to be made and constructed, either by purchase of so much of the said Land, or private Easements and privileges, as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall and may be entitled to receive of the said Company in consequence of the said intended Harbour, Roads, Streets, and approaches thereto, being cut, made and constructed in and upon his, her, or their respective Lands, and in case of any disagreement between the said Directors, and the Owner or Owners, Occupier or Occupiers aforesaid, it shall and may be lawful from time to time as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the Lands and Tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final, and the said Arbitrators, shall and they are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors; after eight days notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the Parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well, and truly to assess the damages between the parties according to the best of his judgment; *Provided always*, that any award made under this Act, shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein before provided.

Company may agree with Owners of any Property upon which their Improvements may be made for the Purchase thereof or for damages done by the Company.

Arbitrators may be appointed to settle all differences between the Company and individuals.

Award may be made a Rule of the Court of King's Bench.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President and Directors of the said Company, from time to time to regulate, fix, and establish the Rates of Wharfage, Tolls, Dues or Duties payable by persons Navigating, or owning Rafts,

Directors to fix the Rates of Toll and Wharfage.

Vessels, Boats or other Crafts on Lake Ontario, and which may from time to time partake of the benefits and advantages of the said Harbour, Wharves, Docks, or Rail Way, or of the Store houses or other protections and erections for the safe-keeping, repairing and refitting of all Vessels, Boats, Crafts and Rafts of any description, and of Goods, Wares and Merchandize Shipped or unloaded within the limits established by this Act, and to alter the said Tolls, Dues, Duties and demands aforesaid, as they may deem proper and expedient, and also for regulating the discharging of Ballast, as well in the said Harbour as in the River immediately adjacent thereto, a copy of which Tolls, Rates and Dues, shall be affixed up in not less than three public places adjacent to the said Harbour and Docks, and Rail Way respectively.

The Harbour, &c. shall be vested in the Company.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, Moles, Piers, Wharves, and Wet Dock and Dry Dock, or Rail Way, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls on Goods, Wares or Merchandize as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their Successors for ever.

Period when the Company shall begin to demand Tolls.

VI. *And be it further enacted by the authority aforesaid*, That so soon as the said Harbour, Wharves, Wet Dock and Rail Way, shall be so far completed, as to be capable of receiving, sheltering and repairing Vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take the Tolls and Dues to be established by virtue of this Act, to and for their own proper use and benefit on all Goods, Merchandizes and articles whatsoever, Shipped on Board or landed out of any Vessel or Boat entering, using or occupying the said Harbour, Wharves, Wet Dock and Rail Way, or any other convenience, erection or improvement built, occupied or owned by the said Company.

Harbour, &c. to be constructed between the Ferry Lot on the Niagara River and the termination of King Street on the Bank of the said River.

VII. *And be it further enacted by the authority aforesaid*, That the said Company, or their Servants, or Agents at any time after the passing of this Act, under and by virtue of its provisions, shall and may excavate, dig, dredge, construct, erect and finish the said Harbour, Wharves, Wet Dock and Rail Way respectively, or any of them, on any part or portion of the Land or Beach lying immediately adjacent to the Niagara River, and between the Ferry Lot in the occupation of Andrew Heron, junior, in the rear of the present Government Wharf, and Ware House, and the Lot in the possession of Andrew Heron, senior, situate at the termination of King Street, in the Town of Niagara; *Provided always*, that the said area or space between the said limits so defined do not recede or

extend in the rear from the River further than the summit of the Hill or Bank adjacent: and also that the said Erections or Constructions contemplated by this Act shall not in any degree interfere with, or encroach on any Fee Simple right or private Easment or Privilege of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained either by the consent of such owner or owners thereof, or by virtue of reference authorised by this Act.

VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the Tolls or Dues to be collected under this Act, it shall and may be lawful for the said Company, or their Officer, Clerk or Servant duly appointed, to seize or detain the Goods, Vessels, or Boats on which the same shall be due and payable, until such Tolls shall be paid; and if the same shall remain unpaid for the space of Thirty Days next after such Seizure, the said Company, or their Officer, Clerk or Servant as aforesaid; may sell or dispose of the said Goods, Vessels, or Boats, or such part thereof as may be necessary to pay the said Tolls or Dues, by Public Auction, giving ten days notice thereof, and return the overplus, if any, to the owner or owners thereof.

Goods, Vessels, and Boats may be seized for non-payment of Tolls.

IX. *And be it further enacted by the authority aforesaid,* That the Property, Affairs and Concerns, of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their Offices for one year, which said Directors shall be Stockholders to the amount of at least Four Shares, and be Elected on the first Monday in June in every year, at Niagara, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said District of Niagara, at least thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all Elections for such Directors shall be by Ballott, and the seven persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen at any such Election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such Election shall proceed to Elect by Ballott until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said Election,

Seven Directors to be Elected annually, one whereof to be the President.

Mode of Electing Directors.

How vacancies occurring during the year are to be filled.

shall proceed in like manner to Elect by Ballott one of their number to be President ; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Stockholders to have votes in proportion to their Shares in the Capital Stock.

X. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of Shares which he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say :—One vote for each Share, not exceeding Four ; Five votes for Six Shares ; Six votes for Eight Shares ; Seven votes for Ten Shares ; and One vote for every Five Shares over Ten.

Corporation not dissolved by neglect to choose Directors on the day appointed.

XI. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an Election of Directors in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

Directors may make By-Laws.

XII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Corporation, and touching the duty of the Officers, Clerks and Servants, and all such other matters as appertain to the business of the said Corporation ; and shall also have power to appoint as many Officers, Clerks and Servants, for carrying on the said business, with such Salaries and Allowances as to them shall seem fit.

First Meeting of Stockholders.

XIII. *And be it further enacted by the authority aforesaid,* That on the fourth Monday after the passing of this Act a Meeting of the Stockholders shall be held at Niagara, who in the same manner as hereinbefore provided shall proceed to Elect seven persons to be Directors, who shall continue in such Office until the first Monday in June next after their Election, and who during such continuance shall discharge the duties of Directors in the same manner as if they had been Elected at the Annual Election : *Provided always,* that if Shares to the amount of One Thousand Pounds of the Capital Stock of the said Company shall not be taken,

then the said Meeting shall not be held until the amount of Stock shall have been taken up, and at least thirty days notice thereof be given in any Paper or Papers published in the District of Niagara.

XIV. *And be it further enacted by the authority aforesaid,* That the whole Capital or Stock of the said Company, inclusive of any Real Estate which the Company may have or hold by virtue of this Act, shall not exceed in value Twenty-five Thousand Pounds, to be held in Two Thousand Shares of Twelve Pounds Ten Shillings each, and that the Shares of the said Capital Stock may, after the first Instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a Book or Books to be kept for that purpose by the said Company.

Capital Stock not to exceed £25,000.

XV. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any Paper or Papers published in the said District of Niagara, for an Instalment of Ten per Cent upon each Share which they or any of them respectively may subscribe, and that the residue of the sum or Shares of the Stockholders shall be payable by Instalments, in such time and in such proportions as a majority of the Stockholders at a Meeting to be expressly convened for that purpose shall agree upon, so as no such Instalments shall exceed Ten per Cent; nor become payable in less than thirty days after public notice in the Paper or Papers as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour, Wharves and Docks, or Railway, until the first Instalment shall be paid in.

Stock to be called in by Instalments.

XVI. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any such Instalment or Instalments as shall be lawfully required by the Directors as due upon any Share or Shares, such Stockholder or Stockholders so refusing or neglecting, shall forfeit such Share or Shares as aforesaid, with any amount which shall have previously been paid thereon, and that the said Share or Shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the Instalment required over and above the purchase money of the Share or Shares so purchased by him, her, or them as aforesaid, immediately after the sale.

Stock forfeited upon default of payment of Instalments called for.

and before they shall be entitled to the Certificate of the transfer of such Shares so purchased as aforesaid: *Provided always*, that thirty days notice of the sale of such forfeited Shares shall be given in any Newspaper or Newspapers published in the District of Niagara, and that the instalments due may be received in redemption of any such forfeited Share, at any time before the day appointed for the sale thereof.

Directors to declare the Dividends.

And to render an account of the affairs of the Company annually to the Stockholders.

XVII. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors to make Annual Dividends of so much of the Profits of the said Company as to them or the majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements to appear on the Books, and to be open to the perusal of any Stockholder at his or her reasonable request.

This to be deemed a Public Act.

XVIII. *And be it further enacted by the authority aforesaid*, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

After Fifty years the King may assume the possession of the Harbour, &c. on paying therefor.

XIX. *And be it further enacted by the authority aforesaid*, That at any time after fifty years after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the Work and Dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of the then respective Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Harbour, Wharves, Wet Dock, and Dry Dock, or Rail Way, together with such further sum as will amount to Twenty-five per Cent upon the monies so advanced and paid, as a full indemnification to such Company, and the said Harbour, Wharves, Wet Dock and Dry Dock, or Rail Way, shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the Provisions of any Act of the Legislature of this Province, that may be passed respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, Wharves, Wet Dock, Dry Dock or Rail Way, with their appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year upon an average the sum

of Twelve Pounds Ten Shillings for every Hundred Pounds they shall be possessed of in the said concern.

XX. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, Wharves, Wet Dock and Dry Dock, or Railway, shall have been assumed by His Majesty, His Heirs and Successors, as hereinbefore authorised, all Tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the Public uses of this Province at the disposition of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour, Wharves, Wet Dock, Dry Dock or Railway, shall be commenced within one year, and completed within five years after the passing of this Act, otherwise this Act and every matter and thing herein contained, shall cease and be utterly null and void.

Tolls thereafter to be paid to the Receiver General.

How to be accounted for.

XXI. *And be it further enacted by the authority aforesaid*, That all Ships, Vessels, Rafts, or other Crafts owned by, belonging to, or in the use and occupation of the Parent or Provincial Government, shall from time to time have free access and privilege of occupancy and sheltering under, and using the privileges, safeties and advantages of the said Harbour and Wharves, Wet Dock, Dry Dock or Railway, without being subject to any charge for Toll or Dues whatsoever.

All Government Vessels may use the Harbour Toll-free.

CHAP. XIV.

AN ACT to repeal an Act passed in the Fifth Session of the Sixth Parliament of this Province, entitled "An Act for granting to His Majesty a Sum of Money towards defraying the expences of the Civil Administration of the Government of this Province," and for granting to His Majesty a certain sum of money to be applied towards the payment of the expences of the Administration of Justice and the support of the Civil Government of this Province.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN,—

WHEREAS by a Message transmitted to the House of Assembly and Legislative Council by His Excellency Sir John Colborne, Knight, Preamble.

Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor, the intention of Your Majesty is communicated to the Provincial Parliament of placing at the disposal of the Legislature the Revenues raised, levied and collected under the Imperial Act of the Fourteenth Year of the Reign of King George the Third, entitled, 'An Act to establish a Fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec, in America,' and expressing Your Majesty's earnest desire, that the Legislature would make provision for defraying such of the expenses of the Civil Service of the Colonial Government as ought not to be dependant upon annual votes; *And whereas*, the Revenue about to be placed under the control of the Legislature has greatly increased during the last seven years, and is constantly increasing, and amounts at this time to upwards of Seventeen Thousand Five Hundred Pounds; *And whereas* the sum of Six Thousand Five Hundred Pounds Sterling, is required for the services hereinafter mentioned, which it is expedient should be permanently provided for, *And whereas*, by an Act in the Fifth Session of the Sixth Parliament of this Province, entitled, 'An Act for granting to His Majesty a sum of Money towards defraying the expenses of the Civil Administration of the Government of this Province,' the sum of Two Thousand Five Hundred Pounds, was granted to His late Majesty King George the Third, annually, in aid of the support of the Civil Government of this Province, which it is expedient to repeal: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act passed in the Fifth Session of the Sixth Parliament of this Province, entitled, "An Act for granting to His Majesty a sum of Money towards defraying the expenses of the Civil Administration of the Government of this Province," shall be, and the same is hereby repealed.

56 Geo. 3rd Ch. 26,
repealed.

£6,500 Sterling
granted to His
Majesty.

II. *And be it further enacted by the authority aforesaid*, That there be annually granted to His Majesty, His Heirs and Successors, from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the Public uses of this Province, and in the hands of the Receiver General, and unappropriated, the sum of Six Thousand Five Hundred Pounds Sterling, which sum

shall be applied for defraying the charges hereinafter mentioned, that is to say: The Salary of the Lieutenant Governor, or Person Administering the Government of this Province, Two Thousand Pounds Sterling, the Salaries of the Judges of His Majesty's Court of King's Bench, Three Thousand Three Hundred Pounds Sterling, the Salaries of the Attorney and Solicitor General, Five Hundred Pounds Sterling, the Salaries of Five Executive Councillors, Five Hundred Pounds Sterling, the Salary of the Clerk of the Executive Council, Two Hundred Pounds Sterling, and shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants which shall for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty, by His Majesty's Receiver General of this Province, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

III. *And be it further enacted by the authority aforesaid,* That this Act shall come into operation and take effect from and immediately after the Revenues arising under the said Act passed in the Fourteenth Year of the Reign of His late Majesty George the Third, shall by Act of the Imperial Parliament or otherwise be placed under the control of the Parliament of this Province.

Period when this Act shall come into operation.

CHAP. XV.

AN ACT to Repeal the Laws now in force granting Poundage to the Receiver General, and to provide a Salary for that Officer in Lieu thereof.

[Passed 16th March, 1831.]

WHEREAS it is expedient to Repeal the Laws now in force ascertaining the Rates which the Receiver General of this Province shall be authorised to take and receive, to and for his own use and benefit out of the Monies at the disposition of the Parliament, passing through his hands, and to provide a Salary for that Officer in Lieu thereof:—*Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the*

Preamble.

Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the last Clause of an Act passed in the Thirty-third year of the Reign of His late Majesty King George the Third, entitled, "An Act to establish a further Fund for the payment of the Salaries of the Officers of the Legislative Council and the House of Assembly, and for defraying the Contingent expenses thereof," as authorises the Receiver General of this Province to deduct from and out of the several sums of money by him received, the sum of Three Pounds for every Hundred Pounds that may be raised, levied, collected and paid by virtue of the said Act; and also, an Act passed in the Forty-second year of the Reign of His late Majesty King George the Third, entitled, "An Act to ascertain and declare the Rates which the Receiver General shall take and retain to his own use out of the monies passing through his hands, which are subject to the disposition of the Parliament of this Province, and to provide by Law for the Receipt and Transmission of monies due to this Province for duties collected in Lower Canada," be and the same are hereby repealed.

Part of the 7th Section of 33 Geo. 3d, Chap. 13, and 42d Geo. 3rd, Chap. 3, repealed.

II *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Receiver General of this Province to retain out of every Hundred Pounds, which shall or may be paid by the said Receiver General, or any other person authorised by the Government of Lower Canada to pay the same as the proportion of Duties due to this Province from Lower Canada, the sum of Ten Shillings, as a compensation for the charge of Agency in receiving and paying over the same; *Provided always, and be it further enacted by the authority aforesaid*, That nothing herein contained shall extend or be construed to extend to enable the said Receiver General under any other appellation, title, pretence or color whatsoever, to take or retain to his own use, benefit, or emolument any additional or other rate or rates, allowance or allowances, out of the monies, and for the services hereinbefore mentioned, than such as are hereinbefore specified, mentioned and contained, any Law, Usage or Custom to the contrary in anywise notwithstanding.

One-half per Cent receivable by the Receiver General, for Agency.

III. *And be it further enacted by the authority aforesaid*, That from and out of the Rates and Duties raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver General unappropriated, there be granted to His Majesty, His Heirs and Successors,

£700 Sterling granted annually to His Majesty, as the Salary of the Receiver General.

the sum of Seven Hundred Pounds Sterling, annually, which sum of Seven Hundred Pounds Sterling, shall be appropriated, applied and disposed of, in payment of the Salary of the Receiver General of this Province.

IV. *And be it further enacted by the authority aforesaid,* That the said sum of Seven Hundred Pounds Sterling shall be paid to the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or person Administering the Government of this Province, and shall be accounted for to His Majesty by the Receiver General of this Province, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct. How paid and accounted for.

V. *And be it further enacted by the authority aforesaid,* That the Salary granted by this Act shall take date and be payable from the first day of July, One Thousand Eight Hundred and Thirty-one. Salary to become payable 1st July 1831.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to prevent the Receiver General from receiving his usual Poundage upon all monies passing through his hands, from the passing of this Act to the first day of July next ensuing. Usual poundage receivable until 1st July 1831.

CHAP. XVI.

AN ACT to provide a Salary for the Clerk of the Crown in Chancery, and to Remunerate him for past Services.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN,—

WHEREAS it is expedient to provide for the payment of a Salary to the Clerk of the Crown in Chancery, and to Remunerate him for past Preamble. Services,—We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament Assembled, beseech Your Majesty that it may be enacted, *And be it enacted,* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and

assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to His Majesty, His Heirs and Successors, for the present year, the sum of One Hundred and Twenty-five Pounds, and annually, in each and every succeeding year, the sum of Seventy-five Pounds, which said sums of One Hundred and Twenty-five Pounds, and Seventy-five Pounds, shall be appropriated as follows, that is to say:—To Samuel Peters Jarvis, Esquire, for past Services as Clerk of the Crown in Chancery, the said sum of One Hundred and Twenty-five Pounds, to the Clerk of the Crown in Chancery for the time being, annually in each and every year, the sum of Seventy-five Pounds, to commence and be payable from the First day of January, One Thousand Eight Hundred and Thirty-one; *Provided always*, that the said Clerk of the Crown in Chancery, shall not be entitled to receive any Fees whatever, for the Services which by virtue of his Office, he may be called upon to perform.

£125 granted to His Majesty for former services, and £75 granted annually, to pay the Salary of the Clerk of the Crown in Chancery.

No fees to be charged by Clerk of the Crown in Chancery.

Sums granted how to be accounted for.

II. *And be it further enacted by the authority aforesaid*, That the said sums of One Hundred and Twenty-five Pounds, and Seventy-five Pounds respectively, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants, as shall for that purpose, from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for, to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Act to continue in force four years.

III. *And be it further enacted by the authority aforesaid*, That this Act shall continue and be in force for four Years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

CHAP. XVII.

AN ACT Granting to His Majesty a sum of money, to be raised by Debenture, for the Improvement of Roads and Bridges in the several Districts of this Province.

[Passed 16th March, 1831.]

WHEREAS it is desirable and necessary to afford aid towards repairing Roads and Bridges in the several Districts of this Province.—May it therefore please Your Majesty that it may be enacted, *And be it enacted* Preamble. by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province to raise by loan, from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the Credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of Money not exceeding Twenty Thousand Pounds, at a rate of Interest not exceeding six per centum per annum, to be applied to the said Roads and Bridges.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being, to cause £20,000 to be raised by Debenture. any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Twenty Thousand Pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance a Debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said sum of twenty thousand pounds, or such part thereof as shall be actually received, and redeemable at a period not exceeding twenty years, and

which Debenture or Debentures shall and may be signed by the said Receiver General of this Province for the time being.

Account of the Debentures redeemed and outstanding to be laid before Parliament each year.

III. *And be it further enacted by the authority aforesaid,* That the Receiver General of this Province for the time being shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or the Person Administering the Government of this Province, a correct account of the numbers, amounts, and dates of the different Debentures which he may have issued under the authority of this Act, of the amount of the Debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the Debentures outstanding and unredeemed at the periods aforesaid, and of the expences attending the issuing the same, to be laid before the Legislature of this Province.

Interest to be paid half-yearly.

IV. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said Debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, whose duty it shall be to have the same endorsed on each Debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that the Governor, Lieutenant Governor, or Person Administering the Government of this Province, shall, after the first day of January and the first day of July in each year, issue Warrants to the Receiver General for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid.

Separate Warrants to be issued for the payment of each Debenture.

V. *And be it further enacted by the authority aforesaid,* That a separate Warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, for the payment of each Debenture as the same may become due and be presented, in favor of the lawful holder thereof, and that such Debentures as shall from time to time be discharged and paid off shall be cancelled and made void by the said Receiver General.

Forging the Debentures declared a Capital Felony.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit any such Debenture as aforesaid, which shall be issued under the authority of this Act and uncanceled in any stamp, endorsement, or writing thereon or therein, or tender in payment any such forged Debenture, or any Debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such

counterfeit Debenture, or any Debenture with such counterfeit endorsement or writing thereupon or therein exchanged for ready money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment or to be exchanged, or the endorsement or writing thereupon or therein to be forged or counterfeited with intent to defraud His Majesty, His Heirs and Successors, or the persons authorised to pay off the same, or any of them, or any other person or persons, Bodies Politic or Corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony without benefit of Clergy.

VII. *And be it further enacted by the authority aforesaid,* That all such Debentures, with the Interest thereon, and all the charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be re-paid and borne by and out of the monies that shall come into the hands of the Receiver General to and for the public use of this Province, and at the disposal of the Legislature thereof.

Debentures charged upon the public Revenues.

VIII. *And be it further enacted by the authority aforesaid,* That the sum of money herein authorised to be raised by loan, shall not be subject to any deduction of poundage for the Receiver General of this Province, any law, usage or custom, to the contrary notwithstanding.

Receiver General not entitled to Poundage.

IX. *And be it further enacted by the authority aforesaid,* That at any time after the said Debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, if he think proper so to do, to cause a notice to be inserted in the Upper Canada Gazette, requiring all holders of said Debentures to present the same for payment according to this Act, and if after the insertion of the said notice for three months, any Debentures then payable shall remain out more than six months from the first publication of such notice, all Interest on such Debentures shall after the expiration of the said six months cease and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Debentures may be redeemed by giving notice to the holders in the Gazette.

X. *And be it further enacted by the authority aforesaid,* That the said sum of Twenty Thousand Pounds so granted as aforesaid, shall be appropriated and applied towards making and repairing Roads and Bridges in certain parts of this Province, and be apportioned to the several Districts within the same as follows :—

Appropriation of the sum granted.

To the Ottawa District, the sum of One Thousand Pounds.
 To the Bathurst District, the sum of One Thousand Nine Hundred Pounds.
 To the Eastern District, the sum of One Thousand Nine Hundred Pounds.
 To the District of Johnstown, the sum of One Thousand Nine Hundred Pounds.
 To the Midland District, the sum of Two Thousand Two Hundred Pounds.
 To the Newcastle District, the sum of One Thousand Nine Hundred Pounds.
 To the Home District, the sum of One Thousand Nine Hundred Pounds.
 To the District of Gore, the sum of Two Thousand Pounds.
 To the Niagara District, the sum of One Thousand Six Hundred Pounds.
 To the District of London, the sum of Two Thousand Pounds.
 To the Western District, the sum of One Thousand Seven Hundred Pounds.

Appropriation, and appointment of Commissioners for the Ottawa District.

XI. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Pounds hereby granted to the Ottawa District, be appropriated and expended as follows, that is to say:—On the Front Road leading from the Eastern Boundary of the Township of Alfred, to the River Rideau near By-Town, the sum of Six Hundred Pounds; on the road from Point Fortune to Longuiel, the sum of One Hundred and Fifty Pounds; on the road from Lochiel to the Ottawa, commencing in the rear of West Hawkesbury, and from thence to Vanclack's Hill, the sum of Fifty Pounds; on the road from Breadalbane to Vanclack's Hill, the sum of Fifty Pounds; on the road through the Gore of Plantagenet to the House of John Paxton, Esquire, the sum of Fifty Pounds; on the road from Longuiel to Chesser's Mills, the sum of Fifty Pounds; and that Charles Waters, Charles A. Low, William Wait, Daniel Wiman, and Joseph Griffen, be Commissioners for expending the same. On the principal road leading through the Township of Osgoode, to the River Rideau and By-Town, the sum of Fifty Pounds; and that Archibald McDonell, William York, and Peter McLaren, be Commissioners for expending the same.

Appropriation for the District of Bathurst, and appointment of Commissioners.

XII. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Nine Hundred Pounds granted to the District of Bathurst, be appropriated and expended as follows, that is to say:—On the Main Road through Goulbourn, between the Third and Fourth

Concessions, to Richmond, the sum of Two Hundred Pounds; and that John Anderson, senior, Thomas Skellington, and John Gordon, be Commissioners for expending the same. On the road from from Taylor's Tavern in Huntley to Fitzroy Harbour, the sum of Two Hundred Pounds; and that James Daily, Henry McBride, and Thomas Landon, be Commissioners for expending the same. On the road from Torbolton through March to Goulbourn, the sum of One Hundred Pounds; and that Hammet Pinhey, Edward Logan, junior, and John Armstrong, be Commissioners for expending the same. On the road from Richmond to By-Town, the sum of One Hundred Pounds; and that Thomas McKay, Bernard Chapman, and Hugh Bell, be Commissioners for expending the same. On the road from the North West Town line of Ramsay, through Pakenham to McNab, the sum of One Hundred Pounds; and that John Grant, John Hutchinson, and James Morris, be Commissioners for expending the same. On the road from the North West Angle of Goulbourn to the road leading from Richmond to By-Town, the sum of Fifty Pounds; and that Robert Young, Robert Grant, and James Bell, be Commissioners for expending the same. On the road from Perth to Frank-town, the sum of Two Hundred and Twenty-five Pounds; and that Alexander Fraser, Thomas James, and William Andison, be Commissioners for expending the same. On the road from Frank-town to Carleton Place, the sum of Seventy-five Pounds; and that William Willson, David Moffat, and James Jackson, be Commissioners for expending the same. On the road from Carleton Place through Ramsay to the Town Line of Pakenham, the sum of Seventy-five Pounds; and that David Snedden, John Foshack, and John McEwen, be Commissioners for expending the same. On the road from Perth, passing through Drummond, to the North West Line of Ramsay, the sum of One Hundred and Fifty Pounds; and that James Wylie, Andrew Dickson, and Daniel Shipman, be Commissioners for expending the same. On the road from Perth to Lanark, the sum of Two Hundred Pounds; and that Matthew Luch, Thomas Richardson, and John Porter, be Commissioners for expending the same. On the road from Balderson's Inn in Drummond, through Dalhousie, passing Boulton's Mills, the sum of One Hundred Pounds; and that Alexander Montgomery, Benjamin Boulton, John McIntyre, and Samuel Walker, be Commissioners for expending the same. On the road from Perth into North Sherbrooke, passing through Bathurst, the sum One Hundred Pounds; and that James Gilmour, Ebenezer Willson, and Josiah Davies, be Commissioners for expending the same. On the road from the Town line of Pakenham through McNab, the sum of Seventy-five Pounds; and that Archibald McNab and Christopher J. Bell, be Commissioners for expending the

same. On the road leading through Bathurst to South Sherbrooke, the sum of Seventy-five Pounds; and that Patrick Kennedy, John Nuttall, and John Mullican, be Commissioners for expending the same. On the road from Perth to Freer's Falls, the sum of Seventy-five Pounds; and that John Robertson and John Campbell, be Commissioners for expending the same.

Appropriation for the
Eastern District,
and appointment of
Commissioners.

XIII. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Nine Hundred Pounds hereby granted to the Eastern District, shall be appropriated and applied as follows, that is to say:—In the County of Glengarry; on the road from Gray's Creek to Lancaster, the sum of Fifty Pounds; on the road from Hawkesbury to Dundas Street, the sum of One Hundred and Fifty Pounds; on the road from Dundas Street to Williamstown, the sum of Fifty Pounds; on the road leading from Dundas Street, at Archibald Camerons' to the rear of Kenyon, the sum of Twenty Five Pounds; on the road between Lots numbers Twenty Four and Twenty Five, by John B. McLennan's, to the rear of Kenyon, the sum of Twenty Five Pounds; on the road leading from Martintown through the centre of the Indian Land, to the Gore of Plantagenet, the sum of Seventy Five Pounds; on Dundas Street, including the Bridge at Martin Town, the sum of One Hundred and Thirty Five Pounds; on the Nine Mile Road at Westley's, front of Lancaster to Dundas Street, the sum of Fifty Pounds; on the road from or near Lochiel Church to Breadalbane Settlement, the sum of Twenty Pounds; on the Nine Mile Road near John Cameron's, front of Charlottenburgh, to the River Aux Raisins, the sum of Thirty Pounds; on the road between the Fourth and Fifth Concessions of Lochiel, commencing at the Eastern Boundary near Thomas Duncan's, until it intersects the Ottawa Road, the sum of Twenty Three Pounds Six Shillings and Eight Pence; and that John McGillivray, Esq. John McLennan, Esq. Hugh McGillis, Esq. Alexander Chisholm, Esq. Alexander Fraser, Esq. and Mr. Donald Cattanach, be Commissioners for expending the same. And in the County of Stormont, on the front road, the sum of Fifty Pounds; and that Albert French and John Bailey, be Commissioners for expending the same. On the road from St. Andrews' Church, leading by Dickson's, formerly Louck's Mills, till it intersects the road leading to Finch, the sum of Fifty Pounds; and that Simon Fraser, Alexander McLean, and John Poapst, junior, be Commissioners for expending the same. On the road from Cornwall to the rear of Roxborough, the sum of One Hundred and Fifty Pounds; and that Simon Fraser, Alexander McLean, and John McDonald of Lot Number Ten in the Fifth Concession of Cornwall, be Commissioners for expending the same. On the road leading from Alexander McDonald's, in the Fifth Concession of

Cornwall, to the Second Concession of the Township of Roxborough, the sum of Fifty Pounds, and that John Montgomery of Roxborough, and Duncan McDonell of Lot Number four in the Fifth Concession of Cornwall, be Commissioners for expending the same. On the road from the Indian Lands, between the First and Second Concessions to Cornwall, the sum of Thirty Three Pounds Six Shillings and Eight Pence, and that Guy Wood, Esq. and John Chesley of Cornwall, be Commissioners for expending the same. On the road from the front of Osnabruck near the Church, to Crysler's Mills in the Township of Finch, the sum of One Hundred and Fifty Pounds, and that Michael Empey, John Waldroff, junior, and John Archibald, be Commissioners for expending the same. On the road leading from Charlesville to the Fifth Concession of Osnabruck, the sum of Fifty Pounds, and that John N. Ault, and James Grant, be Commissioners for expending the same. On the road leading from Thomas H. Maxwell's to the Fifth Concession in the Township of Osnabruck, the sum of Fifty Pounds, and that Thomas H. Maxwell, Henry Shaver, and Jacob W. Empey, be Commissioners for expending the same. On the road from John Dixon's, junior, leading into the Township of Finch, the sum of Fifty Pounds, and that John Dixon, junior, and Ewen McMillen, be Commissioners for expending the same. And in the County of Dundas, in the Townships of Williamsburgh and Winchester, on Dundas Street, in front of Williamsburgh, the sum of Sixty-one Pounds Thirteen Shillings and Four Pence; on the Nine Mile Road between lots number Six and Seven, the sum of Thirty Pounds; on the Centre Road in the Township of Williamsburgh, the sum of Fifty Pounds; on the Nine Mile Road between Lots number Twenty-six and Twenty-seven, the sum of Thirty-five Pounds: on the Nine Mile Road between Lots number Thirty and Thirty-one, running through Williamsburgh and Winchester, the sum of One Hundred Pounds, and that Jacob Markle, Senior, William Swayne, Andrew Snider, Adam Noodle, Francis S. Beadstead, and John Frats, be Commissioners for expending the same. To John Cook, as President of the Road Society, the sum of Forty Pounds, to be expended on the road between Lots Number Thirty and Thirty-one, on the Main Road leading through Williamsburgh and Winchester. And in the Township of Matilda, on the Dundas Street, the sum of Sixty-one Pounds Thirteen Shillings and Four Pence; on the Nine Mile Road between lots number Six and Seven, the sum of Twenty-five Pounds; on the Nine Mile Road between Lots number Twelve and Thirteen, the sum of Fifty Pounds; on the road running through the centre of Matilda and Mountain, the sum of One Hundred and Twenty-five Pounds; on the Nine Mile Road between Lots number Twenty-four and Twenty-five, the sum of Forty-two Pounds Ten Shillings; on the Nine Mile Road between Lots number Thirty-one and

Thirty-two, the sum of Twelve Pounds Ten Shillings; and that Jacob Brouse, John Flagg, John Parlow, Henry Hare, and Matthew Berkley, be Commissioners for expending the same.

Appropriation for the District of Johnstown, and appointment of Commissioners.

XIV. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Nine Hundred Pounds hereby granted to the District of Johnstown, be appropriated and expended as follows, that is to say:—In the County of Grenville, the sum of Nine Hundred and Fifty Pounds, of which said sum of Nine Hundred and Fifty Pounds there shall be applied and expended on the allowance for road between the Counties of Grenville and Dundas leading from the Saint Lawrence to the River Rideau, the sum of Fifty Pounds, and that Joseph Millar and Hugh McCarger, be Commissioners for expending the same. On the road from James Humphrey's at the head of the Galloup Rapids to Gideon Adams, Esquire, in South Gower, the sum of Two Hundred Pounds, and that Lewis Grant, Esquire, and Elijah Froom, be Commissioners for expending the same. On the road from Timothy Hodges, Senior, in Augusta, to the River Rideau, (called the White Road,) the sum of Three Hundred Pounds, and that Henry Burrett, Esquire, and John Bass, Senior, be Commissioners for expending the same. On the road from Merrickville to Alexr. McCrae's, the sum of Fifty Pounds, and that Terence Smyth, Esquire, and Alexr. McCrae, be Commissioners for expending the same. On the road from Kemptville to Olmstead's, in Oxford, the sum of Fifty Pounds, and that Trueman Hurd, Esquire, and Richard Olmstead, Sen'r. be Commissioners for expending the same. On the road from John Froom's to the Rideau River, the sum of Fifty Pounds, and that William Kay and John Froom, be Commissioners for expending the same. On the allowance for road from John Eastman's, on the North side of the River Rideau to Richmond, the sum of Fifty Pounds, and that John Thomson, and John Eastman, the elder, be Commissioners for expending the same. On the road from Richard Olmstead's to Richmond, the sum of One Hundred Pounds, and that Richard Olmstead Sen'r. and Andrew Moor, be Commissioners for expending the same. On the road from Bellamy's Mills to the River Rideau, the sum of One Hundred Pounds, and that Edmund Burrett, and William Ferguson, be Commissioners for expending the same. In the County of Leeds the sum of Nine Hundred and Fifty Pounds, of which said sum of Nine Hundred and Fifty Pounds there shall be applied and expended on the road from Jones' Mills, in Yonge, to the Western Boundary line of the County of Leeds, the sum of One Hundred and Seventy-five Pounds, and that John McDonald, Esquire, Benjamin Ruggles Munsel, Esquire, and George Cook, be Commissioners for expending the same. On the road from Manhard's to Stone's Corner, in Elizabethtown, the sum of One Hundred Pounds, and

that Sylvester Wright, Esquire, Edward Howard Esquire, and Jesse Lamb, be Commissioners for expending the same. On the road from Stone's Corner to Willson's Inn, in Elizabethtown, the sum of Eighty Pounds, and that Ira Lewis and Gideon Leahigh, be Commissioners for expending the same. On the road leading from Willson's Inn to Oliver's Ferry, in Elmsley, the sum of One Hundred Pounds, and that Horace Tappan, Elisha Landon, and Clark Nichols, be Commissioners for expending the same. On the road from Oliver's Ferry to Perth, the sum of One Hundred Pounds, and that William Rutherford, FitzWilliam Berford, Abel Wright, and William McPherson, be Commissioners for expending the same. On the road from Willson's Inn, Kitley, leading to Merrickville, to the East Boundary Line of Kitley, the sum of Fifty Pounds, and that Philip Shook, Esquire, and Timothy Soper, be Commissioners for expending the same. On the road from Elisha Landon's to Smith's Falls, in Elmsley, the sum of Seventy Pounds, and that Solomon Landon and Obadia; Read, junior, be Commissioners for expending the same. To open and improve the Road near the South side of the Rideau Lake from Donaldson's, in Elmsley, Westward to the old landing, the sum of One Hundred Pounds, and that Thomas Donaldson and Richard Meyers, be Commissioners for expending the same. On the road from John Dixon's, in Yonge, to the Long Falls and Chaffy's Mills, Crosby, the sum of One Hundred Pounds, and that Joshua Bates, Aaron Stoddard, and Charles Davidson, be Commissioners for expending the same. On the road from Beverly, in Bastard, to the Isthmus in North Crosby, the sum of Fifty Pounds, and that Nathan Soper and James Phillips, be Commissioners for expending the same. On the road leading Northward from Russell Fields' to Nathan Clark's, in Elizabethtown, the sum of Twenty-five Pounds, and that Nathan Clark and Russell Fields, be Commissioners for expending the same.

XV. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Two Hundred Pounds, hereby granted to the Midland District, shall be appropriated and expended as follows, that is to say,—On the road leading from Waterloo to Loughborough, the sum of One Hundred Pounds, and that Horace Yeomans, Henry Wood, and William Latimore, be Commissioners for expending the same. On the road leading from the Fifth Concession of Portland to the Third Concession of the Township of Kingston, the sum of One Hundred Pounds, and that Henry Shibley, Robert Aberthony and Bryan Spike, be Commissioners for expending the same. On the road from Lot number Sixteen to Picors on the new line of road in Pittsburgh Western Addition, the sum of Fifty Pounds, and that John Marks, Stephen Yarwood, and Adam Lairdlaw, be Commissioners for expending the same. On the

Appropriation for the Midland District, and appointment of Commissioners.

back road leading from Kingston Mills to Perth, through the Township of Pittsburgh, the sum of Fifty Pounds, and that James Matheson, Sephrenus Hickey, and John B. Smith, be Commissioners for expending the same. On the road leading from Waterloo to Kingston, the sum of One Hundred Pounds, and that Samuel Aykroyd, Horace Yeomans, and Benjamin Olcott, be Commissioners for expending the same. In the Indian Woods, on the road leading from Belleville to the Napanee Mills, the sum of Two Hundred Pounds, and that Allan McPherson, Thomas D. Appleby, and Jabez Kellog, be Commissioners for expending the same. On the road leading from Waterloo to the Napanee Mills, the sum of Two Hundred and Fifty Pounds, and that the Treasurer and Trustees of the Ernestown and Kingston Road Society, be Commissioners for expending the same. On the road leading from Wallaces' Tavern, Township of Kingston, to Bath, the sum of Three Hundred Pounds, and that Henry Lasher, William McKay, Duncan Vanalstine, Abraham Amy, and Josiah Lampkins, be Commissioners for expending the same. For the Bridge at the mouth of the Little Catarqui, the sum of Fifty Pounds; and that Joseph Ferris, Peter Grass, and Thomas Rogers, be Commissioners for expending the same. In the Township of Richmond, the sum of One Hundred Pounds, and that Archibald Caton, James Long, William Prindle, Philip J. Roblin, and Samuel Baldwin, be Commissioners for expending the same, on such roads and bridges as they, or a majority of them, may deem most expedient and conducive to the advantage of the inhabitants of the said Township of Richmond. In the Township of Camden East, the sum of One Hundred Pounds, and that Jacob Rambaugh, Samuel Clark, Jacob Huffman, Calvin W. Perry, Calvin Wheeler, John Pomeroy, and Peter Bowers, be Commissioners for expending the same, on such roads and bridges as they, or a majority of them, may deem most expedient and conducive to the advantage of the said Township of Camden East. On the road leading from Eli Peters' Mill, in the said Township of Camden, to the principal road to the Napanee Mills to Waterloo, otherwise called the York Road, the sum of Fifty Pounds, and that Eli Peters, Stephen Warner, and John Brown, junior, be Commissioners for expending the same. On the road leading from Shaw's Mills, in Camden, the sum of Fifty Pounds, and that John Perry, Ebenezer Perry, and Benjamin Clark, be Commissioners for expending the same. On the road leading from Bellus' in Ameliasburgh to the outlet at the West Lake, the sum of Twenty Pounds, and that Edmund Marsh, and Joseph Dorland, be Commissioners for expending the same. From Bellus' in Ameliasburgh to Demorestville, the sum of Forty Pounds, and that Jacob Howell and Benjamin Stapleton, be Commissioners for expending the same. To assist in erecting a new Bridge across the Marsh Creek, near William Brickman's, in Ameliasburgh, the sum of Twenty Pounds,

Davis, be Commissioners for expending the same. To repair the different roads in the Township of Marysburgh, the sum of Sixty Five Pounds, and that John Richards, Samuel Mollineaux, and Henry Dingman, be Commissioners for expending the same. To erect a Bridge across East Creek, at the East end of East Lake, in the Township of Hallowell, the sum of Fifty Pounds, and that Asa Worden and Owen McMahon, be Commissioners for expending the same. From Marsh Creek, in Ameliasburgh, between Lots Numbers Seventy Six and Seventy Seven in the Third Concession, to the top of the big Hill, and thence in the most direct way to the Village of Hallowell, the sum of Sixty Pounds, and that Jesse Henderson, George Monro, and Peter Valteau, be Commissioners for expending the same. On the new road leading from Hallowell to the Carrying Place, the sum of Twenty Five Pounds, and that Simeon Washburn and Joseph Cryderman, be Commissioners for expending the same. On the road leading from Belleville to the Marmora Iron Works, through the Townships of Thurlow, Sidney, Rawdon, and Marmora, the sum of Two Hundred and Fifty Pounds, and that Anthony Manahan, William Ketcheson, junior, and John Reynolds, be Commissioners for expending the same. On the Forty Foot Road between lots numbers twelve and thirteen in the Township of Sidney, leading from the Bay of Quinte through the different Concessions, passing Thomas Ketcheson's until it intersects the River Trent Road, the sum of Forty Pounds; on the Forty Foot Road between lots numbers Twenty Four and Twenty Five in the Fourth Concession of the Township of Sidney, the sum of Twenty Pounds; on the Concession Road in the said Fourth Concession, between lots numbers Twenty Two and Twenty Nine, the sum of Twenty Pounds, and that Henry Hagerman, Thomas Ketcheson, and Gideon Turner, be Commissioners for expending the same. On the road in the Township of Huntingdon leading to the Township of Madoc, and Surveyed by William Ketcheson, junior, in the year One Thousand Eight Hundred and Twenty Eight, the sum of Thirty Pounds, and that Garret Garrison, Jacob Youngs, and James O'Hara, be Commissioners for expending the same. To be expended in the Township of Tiendinaga, or in opening a road from the said Township to the front road, the sum of Forty Pounds, and that William Porte, Donald Murchison, and Richard Lazier, be Commissioners for expending the same.

XVI. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Nine Hundred Pounds, hereby granted to the District of Newcastle, be appropriated and expended as follows:—On and that William Brickman and Peter Redner, be Commissioners for expending the same. On the road leading from Hallowell to Demorestville, the sum of Twenty Pounds, and that James Cotter and Thomas

Appropriation for the District of Newcastle, and appointment of Commissioners.

the Main Highway through the Township of Murray, between the River Trent and Kellogg's Tavern, the sum of One Hundred Pounds, and that Sheldon Hawley, Esquire, Thomas D. Sandford, and Samuel Cooley, be Commissioners for expending the same. On the road leading from the Carrying Place to the West line of Murray aforesaid, on the front road, and from thence to Hezekiah Beatty's in the said Township, the sum of One Hundred and Twenty Five Pounds, and that Charles Biggar, Esquire, Simon Kellogg, and Pitkin Gross, be Commissioners for expending the same. On the road leading through the English Settlement, in the Township of Murray, to the Main Highway through the said Township, the sum of Twenty Five Pounds, and that Abijah Smith, and James Rankin, be Commissioners for expending the same. On the road leading from the East Boundary Line of the Township of Cramahe on the front road, to the allowance for road between Lots Numbers Eleven and Twelve, thence on said allowance to the Main Highway through the said Township, the sum of Fifty Pounds, and that William M. Bullock, Esquire, and Thomas Simpson, be Commissioners for expending the same. On the road between lots numbers Two and Three, leading from the Front Road to Main Highway through the Township of Cramahe, the sum of Twenty Five Pounds, and that William M. Bullock, Esquire, and Jesse Wells, be Commissioners for expending the same. On the road along the Concession line between the Third and Fourth Concessions of the Township of Cramahe, the sum of Twenty Five Pounds, and that James D. Gossliie and Aaron Henman, be Commissioners for expending the same. On the road leading from the Second Concession of the Township of Cramahe to the Percy Settlement, the sum of Fifty Pounds, and that Joshua Webster, and James Platt, be Commissioners for expending the same. On the road leading from John Richmonds, in Murray, to the road leading from the Township of Cramahe to the Percy Settlement, the sum of Twenty Five Pounds, and that Richard Steavins, and James Holland, be Commissioners for expending the same. On the road leading from the Percy Settlement to the Asphodel Bridge, including repairs to said Bridge, the sum of One Hundred Pounds, and that Joseph A. Keeler, Esquire, Joseph Sparrow, and David Cummings, be Commissioners for expending the same. To cut down and improve the hills between the Widow Brown's and Ephraim Doolittle's, in the Township of Haldimand, the sum of Twenty Pounds, and that Charles Powers and Ephraim Doolittle, be Commissioners for expending the same. To straighten and improve the road leading from Cobourg to the Rice Lake, in the Township of Hamilton, the sum of Seventy Five Pounds, and that Doctor Gilchrist, and John McCarty, be Commissioners for expending the same. On the road leading from Burr's Tavern, in the said Township

of Hamilton, to the Boundary Line between the Counties of Northumberland and Durham, the sum of Twenty Five Pounds, and that Doctor Gilchrist, and John McCarty, be Commissioners for expending the same. On the road leading from Peterborough to the Rice Lake, in the Township of Monaghan, the sum of Fifty Pounds, and that Charles Rubridge, and Thomas Carr, Esquires, be Commissioners for expending the same. On the road leading from Doctor Gilchrist's Mill to the Peterborough road, the sum of Twenty-five Pounds, and that Charles Rubridge and Thomas Carr, Esquires, be Commissioners for expending the same. On the road leading from Doctor Gilchrist's Mill to the Asphodel Bridge, on the Front Road, the sum of Seventy-five Pounds, and that Thomas Carr, Esquire, and John Beckett, be Commissioners for expending the same. On the Boundary Line Road between the Townships of Otanabee and Douro, leading from Peterborough to Asphodel, the sum of Forty Pounds, and that Alexander McDonell and Moore Lee, Esquires, be Commissioners for expending the same. On the road leading from Mr. Stewart's in the Fifth Concession of the Township of Haldimand, to the Baltimore Settlement in the Township of Hamilton, the sum of Twenty-five Pounds, and that Wilson S. Conger and John Brisbane, be Commissioners for expending the same. On the road leading from Peterborough to the Boundary Line between the Counties of Northumberland and Durham, the sum of Fifty Pounds, and that Thomas V. Tupper and Alexander McDonell, Esquires, be Commissioners for expending the same. On the road leading from Lot number Twenty-six in the Fourth Concession of the Township of Murray, to Joseph Carls, in the said Township, the sum of Twenty-five Pounds, and that Levi Lomis and Samuel Clapp, be Commissioners for expending the same. On the Boundary Line Road between the Counties of Northumberland and Durham, the sum of Two Hundred and Fifty Pounds, and that Ebenezer Perry, John Hall and John Huston, be Commissioners for expending the same. On the Back Road leading through the Township of Haldimand, the sum of Twenty-five Pounds, and that William F. H. Kelly, and Josiah Wellington, be Commissioners for expending the same. To cut down the Hill and repair the Bridge on the Back Road in the Township of Hamilton, in the rear of Levi Bates' Farm, the sum of Twenty-five Pounds, and that William Faulkner, Esquire, and Levi Bates, be Commissioners for expending the same. On the Stage Road through Darlington, the sum of Thirty Pounds, and that Robert Fairburn, and John Burk, Esquire, be Commissioners for expending the same. On the Stage Road through Clarke, the sum of Twenty Pounds, and that Alexander Colter and William McIntosh, be Commissioners for expending the same. On the road leading from Port Hope, until it intersects the Boundary between Hamilton and Hope,

called the Cavan Road, the sum of Twenty-six Pounds, and that Barnabas Bletcher and John Ainley, be Commissioners for expending the same. On the road between Lots number thirteen and fourteen, in Hope, commencing at the Fourth Concession of Hope, and running as near as is practicable between Lots number thirteen and fourteen, until it intersects the Middle Road between Lots number twelve and thirteen, in the Township of Cavan, and through the said Township between Lots number twelve and thirteen, and through the Township of Emily, between Lots number twelve and thirteen in the Township of Emily, the sum of Three Hundred Pounds, and that John Huston, Esquire, William Samuel Marsh and Samuel Davidson, be Commissioners for expending the same. On the road between the Fifth and Sixth Concessions of Hope, commencing at Lot number thirteen, until it intersects the Boundary Line between Clarke and Hope, and on said Boundary or as near as is practicable, between Clarke and Hope, Cavan and Manvers, the sum of Two Hundred and Eighty Nine Pounds, and that John Huston, Esq. and William Samuel Marsh, be Commissioners for expending the same.

Appropriation for the Home District, and appointment of Commissioners.

XVII. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Nine Hundred Pounds, granted to the Home District, be appropriated and expended as follows, that is to say;—For completing that part of Yonge Street commonly called the Blue Hill, the sum of Four Hundred Pounds, and that Charles Thompson, James Hogg and William Botsford Jarvis, be Commissioners for expending the same. For opening and improving the New Road laid out in the Second Concession of the Township of York, the sum of Twenty Pounds, and that Joseph Shepherd and Alexander Cathcart, be Commissioners for expending the same. On the road leading from Dundas Street in the Township of Toronto, by Streetsville to McNabb's Mills, in Esquesing, the sum of One Hundred Pounds, and that Thomas Stoye, Ebenezer Farnsworth, and James Kennedy, be Commissioners for expending the same. For an experimental Railway, to be made of Wood, on Yonge Street, between the Blue Hill and York, the sum of Fifty Pounds, and that William Botsford Jarvis, James Hogg, and Charles Thompson, be Commissioners for expending the same. For the erection of a Bridge across the Humber, on the road leading from York to Caledon, commonly called Campbell's Road, the sum of One Hundred Pounds, and that David Jardine, Nathan Martin of Etobicoke, and Elisha Lawrence, of the Gore of Toronto, be Commissioners for expending the same. On the Kennedy Road, in the Townships of Markham and Scarborough, the sum of Twenty Pounds, and that Samuel Kennedy, Thomas Kennedy, and Thomas Whitesides, be Commissioners for expending the same. For cutting down the Hill on Yonge Street, commonly called Thorn

Hill, the sum of Seventy Five Pounds, and that William Crookshank, John Hartman and John Atkinson, be Commissioners for expending the same. For improving the Hills on Yonge Street, North and South of Hogg's Mills, the sum of Seventy Five Pounds, and that Cornelius Van Ostrand, James Hogg, and Andrew McGlashan, be Commissioners for expending the same. On the road from Hawke's Mills on Yonge Street to number Five, the sum of Fifty Pounds, and that Peter Lawrence, Joel Beeman and George Bond, be Commissioners for expending the same. For the erection of a Bridge across the Creek at Whitmore's Mills, and for improving the road from the said Creek to number One, on Yonge Street, the sum of Fifty Pounds, and that Jacob Snider and Charles Thompson, be Commissioners for expending the same. On the road from the Four Mile Tree, on the Danford Road, to Markham, running between Lots number Thirty Four and Thirty Five, in the Township of Scarborough, the sum of Twenty Pounds, and that Isaac Lameraux, Asa Patrick, and William Davenish, be Commissioners for expending the same. On the road from the Eighth Concession of Markham to the Danford Road, the sum of Fifty Pounds, and that Peter Secor, John Reamer, John De Hart, and Richard Houck, be Commissioners for expending the same. On that part of the Kingston Road called Bates' Hill, the sum of Twenty Five Pounds, and that Stephen Pherril and Robert Stoboe, be Commissioners for expending the same. On that part of Dundas Street called Barber's Hill, the sum of Seventy Five Pounds, and that Jacob Cook, Peter McCullum, and John McGill, be Commissioners for expending the same. To improve the Hills at the Highland Ceek, in Scarborough, the sum of Thirty Pounds, and that William Weller, Peter Secor, and John Fisher, be Commissioners for expending the same. On the Town Line between the Townships of Chinguacousy and Toronto, to assist in opening the same, the sum of Thirty Pounds, and that Asa Ingraham, John Seflar, and Martin Salisbury, be Commissioners for expending the same. On Dundas Street, from the River Humber to the River Credit, the sum of One Hundred and Sixty Pounds, and that John McGill, John McFarlane and Stanaus Daniels, be Commissioners for expending the same. On the Lake Road, from Sandford's corner to the District Line, the sum of One Hundred Pounds, and that William Thompson, John Gamble, and Frederick Starr Jarvis, be Commissioners for expending the same. To improve the Sixth Concession Line, between the Townships of Albion, Chinguacousy, the Gore of Toronto, and Toronto New Survey, thence across Etobicoke to the River Humber near Scarlet's Mills, the sum of Forty Pounds, and that John Bagwell, Esquire, John McCarty, and Thomas Burrel, be Commissioners for expending the same. For improving the Rouge Hill, on the Kingston Road, the sum of Thirty Pounds, and that:

Francis Leys and William Weller, be Commissioners for expending the same. And that of the Nineteen Hundred Pounds granted to the Home District, the sum of Four Hundred Pounds be appropriated and expended as follows:—On the Penetanguishine Road through West Gwillimbury, from Mulloy's Tavern, to the Line between that Township and Innisfil, the sum of Thirty Pounds, and that Isaac Rogers and James Tindale be Commissioners for expending the same. On the Penetanguishine Road from the South Line of Innisfil to Alexander Walker's on Kempenfeldt Bay, the sum of Thirty Pounds, and that Thomas McConkey and Charles Clement, be Commissioners for expending the same. On the Long Causeway on the Penetanguishine Road, between Lawrence's and Mairs' the sum of One Hundred Pounds, and that Thomas Mairs and Peter White, be Commissioners for expending the same. On the Long Causeway in West Gwillimbury across the West Branch of the Holland River, the sum of Thirty Pounds, and that Isaac Rogers, junior, and George Thorp, be Commissioners for expending the same. On the Main Road through the Township of Thora, the sum of Fifty Pounds, and that W. Turner and Samuel H. Farnsworth, be Commissioners for expending the same. To complete the Causeway leading to Essa, on the Town Line between West Gwillimbury and Tecumseth, the sum of Seventy Five Pounds, and that George Dunwoodie and John Perry be Commissioners for expending the same. On the Main Road on the Town line of Adjala, going through Albion to York, the sum of Thirty Pounds, and that Francis McLoughlin and Robert Keenan, be Commissioners for expending the same. On the Main Road leading to Dundas Street, between Amaranth and Mono, the sum of Fifteen Pounds, and that Lewis Horning and Abraham Houghton, be Commissioners for expending the same. On the Penetanguishine Road, between Craig's and Robert Jeff's, the sum of Forty Pounds, and that Robert Jeff and John Craig, be Commissioners for expending the same.

Appropriation for the District of Gore, and appointment of Commissioners.

XVIII. *And be it further enacted by the authority aforesaid,* That the sum of Two Thousand Pounds hereby granted to the District of Gore, shall be appropriated and expended as follows, that is to say:—In the County of Halton, the sum of One Thousand Three Hundred Pounds, of which sum of One Thousand Three Hundred Pounds there shall be applied and expended on the Dundas Street, from the Village of Dundas to Burford Town Line, the sum of Three Hundred Pounds, and that John Binkley, Peter Bombarger, and Hiram Capron, be Commissioners for expending the same. On the road from the Township of Beverly at Samuel Cornell's, through the said Township of Beverly and Dumfries to the Town Line of Waterloo, the sum of Two Hundred Pounds, and that Samuel Cornell, John A. Cornell, and Absalom Shade,

be Commissioners for expending the same. On the road between Lots Number Six and Seven from the Second Concession West Flamborough to Robert Paterson's, thence through the corner of Beverly, Township of Puslinch, Town of Guelph, to the line between Woolwich and Nichol to the Falls of the Grand River, the sum of One Hundred Pounds, and that James Crooks, Esquire, Thomas B. Husband, and Thomas Smith, Esquires, be Commissioners for expending the same. On the road up the Mountain from Dundas to Flamborough West, the sum of Fifty Pounds, and that Peter Bombarger be the Commissioner for expending the same. On the road between the First and Second Concessions of Beverly, the sum of Twenty Five Pounds, and that Barney Howard, Adam Thompson and Barney Markle, be Commissioners for expending the same. On the road between the Second and Third Concessions of the Township of Beverly, the sum of Twelve Pounds Ten Shillings, and that Hugh Mulholland, Daniel Cornell, and William Coleman, be Commissioners for expending the same. In the Township of Dumfries, the sum of Fifty Pounds, and that Absalom Shade, Hiram Capron, and Robert Murray, Esq. be Commissioners for expending the same. Upon the Road from Waterloo Town line to the Falls of the Grand River, in the Township of Woolwich, East side of the Grand River, the sum of Twelve Pounds Ten Shillings, and that Zephaniah Sexton, Thomas Smith, Esquire, and Alpheus Smith, be Commissioners for expending the same. Upon the road through the centre of the Township of East Flamborough from Dundas Street to the Twelve Mile Creek, the sum of Twenty Five Pounds, and that Alexander Brown, John Eaton, and Edward Evans, be Commissioners for expending the same. Upon the road through East and West Flamborough, from Sampson Howell's Saw Mills Easterly, the sum of Twenty Five Pounds, and that Sampson Howell, Edward Ryckman, and John Davis (Innkeeper), be Commissioners for expending the same. On the road leading from Moses McCoy's in the Township of Nelson to the rear part of Eramosa, the sum of Seventy Five Pounds, and that William McCoy, William Smith and Joseph Parkinson, be Commissioners for expending the same. On the road leading from Post's Inn, in the Township of Trafalgar, through said Township of Trafalgar, Esquesing and Erin, the sum of Seventy Five Pounds, and that John Kenny, Peter Kenny, and Charles Kennedy, be Commissioners for expending the same. On the Twelve Mile Creek Hill, East side on Dundas Street, the sum of Fifty Pounds, and that William McKerlie, Nathaniel Bell, Esquire, and Walter O'Reilly, be Commissioners for expending the same. On the Lake Road at the Sixteen Mile Creek, to make good a like sum expended by Merrick Thomas, Jacob Randall, and William Young (Commissioners appointed by the Quarter Sessions) upon a Bridge, levelling the Hills and making a mound across the flats.

of said Creek, the sum of One Hundred and Eighty Seven Pounds Ten Shillings. On the road leading from Post's Inn in Trafalgar to Oakville, the sum of Twenty Five Pounds, and that James Thomson, Merrick Thomas, and William Young, be Commissioners for expending the same. On the road from Mrs. Munn's to Oakville, the sum of Twelve Pounds Ten Shillings, and that John Keating, George Chalmers, and Charles Biggars, be Commissioners for expending the same. On the road leading from Lawrence Hagers through the Township of Trafalgar, Esquesing and Erin, the sum of Fifty Pounds, and that Joseph Bows, Jasper Martin, and Levi Willson, be Commissioners for expending the same. On the road from Ephraim Hopkins' on Dundas Street, upon the line between numbers Twenty Five and Twenty Six, to the Second Concession South of Dundas Street, also on the Second Concession to the line between Lots numbers Twenty One and Twenty Two, and upon the side line leading South to the Lake Road, the sum of Twenty Five Pounds, and that Robert Smith, Hiram McCraney and John Street, be Commissioners for expending the same. In the County of Wentworth, the sum of Seven Hundred Pounds, of which sum of Seven Hundred Pounds there shall be applied and expended on the road from William Vanderlip's Tavern in Ancaster, to Fairchild's Creek on the Indian Lands, the sum of Two Hundred and Fifty Pounds, and that Ewen Ritchee, Samuel Andruss and Enos Bunnell, be Commissioners for expending the same. On the Main Road from James Gages to Fifty Mile Creek, through Saltfleet, the sum of One Hundred Pounds, and that Ebenezer Place, John Galbraith and Jonathan Pettitt, be Commissioners for expending the same. On the Mountain Road from Samuel Tapley's to the Western Boundary Line of Saltfleet near Secord's Mills, the sum of Fifty Pounds, and that Samuel Tapley, Jeremiah Springstead and John Law of Saltfleet, be Commissioners for expending the same. On the road leading up the Mountain by George Hamilton's, the sum of Fifty Pounds, and that Jacob Ramble, Joseph Rolestone and Peter Hess, be Commissioners for expending the same. On that part of the road leading from Hamilton to Dundas, called Beasley's Hollow, the sum of Fifty Pounds, and that William B. VanEvery, Francis Glover and Frederick Ashbrough, be Commissioners for expending the same. In the Township of Glanford, the sum of One Hundred Pounds, and that Thomas Choate, David Kearns and Elisha Bingham, be Commissioners for expending the same. On the main road leading from Crosswaiths' in Barton, to Sheldon's Saw Mill in Saltfleet, the sum of Fifty Pounds, and that James Gage and William Case, be Commissioners for expending the same. On the road leading up the Mountain, from Ebenezer Place's to John Lee's, the sum of Fifty Pounds, and that John Glover and John Lee, be Commissioners for expending the same.

XIX. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Six Hundred Pounds hereby granted to the District of Niagara, be appropriated and expended as follows, that is to say: In the County of Lincoln, the sum of One Thousand Two Hundred Pounds, of which said sum of One Thousand Two Hundred Pounds, there shall be applied and expended, on the Black Swamp Road leading to the Ten Mile Creek, the sum of Seventy Five Pounds, and on the road leading from Queenston by Saint Davids, to the Ten Mile Creek, to intersect the Black Swamp Road, the sum of Twenty Five Pounds, and on the Lake Road from Niagara to Samuel Woods', Esquire, on the Twelve Mile Creek and thence to Barnabas Gregory's, on the Fifteen Mile Creek, the sum of Fifty Pounds, and that Adam Brown, of Queenston, Thomas Darling, of Grantham, and Barnabas Gregory, of Louth, be Commissioners for expending the same. On the Lake Road leading from Frederick Schrams, at the Fifteen Mile Creek to the Twenty Mile Creek Bridge, the sum of Fifty Pounds, and that James William Osgoode Clarke, Isaac Wiesman, and Nathan Pawling, be Commissioners for expending the same. On the road leading from John Decoo's by William Adam's and Robert Comfort's to the end of the District, the sum of One Hundred Pounds; on the road leading from Smith Griffin's to Canborough, the sum of Twenty Five Pounds; on the road leading from Snider's Mills to the River Welland, the sum of Twenty Five Pounds; on the road leading from John Moots, in Clinton, to Wier's Mills on the River Welland, the sum of Twenty Five Pounds, and that John Decoo, William Adams and John Harris, be Commissioners for laying out and expending the same. On the road leading from George Oills', in Pelham, to the Village of St. John's in Thorold, the sum of Fifty Pounds, and that George Oills, John Street, and Samuel Beckett, be Commissioners for expending the same. On the road leading from Hainer's Corner by Thomas Mills' to Adam Brown's, the sum of Twenty Five Pounds, and that Adam Brown of Louth, be a Commissioner for expending the same. On the Great Canborough Road leading from Anthony Uppers to Canborough, the sum of One Hundred Pounds, and that George Lacy, William Delts, senior, and Peter Wiers, be Commissioners for expending the same. On that part of the Highway leading from Niagara, to commence on the West Bank of the Sixteen Mile Creek in Louth, to the Township Line of Clinton, the sum of Twenty-five Pounds, and that Joseph Smith, James Johnson, and Henry Kerr, of Louth, be Commissioners for expending the same. On the road passing William Dishers, junior, in Pelham, and John McGlashan's to Robert Comfort's, in Gainsborough, the sum of Twenty-five Pounds, and that John McGlashan, senior, Robert Comfort and William Disher, junior, be Commissioners for expending the same. On the road from Charles

Appropriation for the
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Anderson's at the Forty Mile Creek, to Daniel Camp's at the Twenty Mile Creek, the sum of Fifty Pounds, and that Daniel Palmer, John Beamer, senior, and Daniel Camp, be Commissioners for expending the same. On the road from Dearie's Mills on Twenty Mile Creek, by Michael Rettenhouse's to Lake Ontario, the sum of Fifty Pounds, and that Samuel Moyer, Michael Rettenhouse and John Henry, be Commissioners for expending the same. On the Fly Road leading from James Simmerman's in Clinton, to Henry Disher's in Louth, the sum of Fifty Pounds, and that Henry Roat, and John Pattersons, and Henry Disher, be Commissioners for expending the same. On the Highways in the Townships of Stamford, Thorold, and Pelham, the sum of One Hundred Pounds, and that Doctor Lafferty, John Decoo, and Samuel Beckett, be Commissioners for expending the same. On the Highways in the Townships of Willoughby, Crowland, Wainfleet, Humberstone, and Bertie, to be equally expended, the sum of Three Hundred Pounds, and that Jacob Gander, Samuel McAfee, Isaac H. Johnson, Henry Boughner, junior, Emanuel Winters and Daniel Robbins, be Commissioners for expending the same. On the Highway leading from John Oill's corner in Pelham, by Beckett's Mills to the Quakers Meeting House, thence to Riley's Bridge on the River Welland, the sum of Fifty Pounds, and that Peter Beckett, James Fell and William Chapman, be Commissioners for expending the same. In the County of Haldimand, the sum of Four Hundred Pounds, of which said sum of Four Hundred Pounds there shall be applied and expended on the road from the High Banks to the Feeder at Broad Creek, the sum of Twenty Five Pounds; from Christian Kinclay's, at the High Banks, on Lake Road, to the mouth of Grand River, the sum of Twenty Five Pounds; from the mouth of the Grand River, on Lake Road, to Rainham, the sum of Twenty Five Pounds; from Dunville, Grand River Dam, to Rainham, the sum of Twenty-five Pounds; on Rainham and Walpole Lake Road, the sum of Fifty Pounds; on the River Road from Dunville to Highflyers, the sum of Fifty Pounds; on the road from Dunville to Canborough, the sum of Twenty Five Pounds; from Canborough on the Main Route from Niagara Falls to Rainham, the sum of One Hundred and Seventy Five Pounds, and that Andrew Thompson, Benjamin Canby, Joseph Younge, John Eakins, Benjamin Hoover, and David McFields, all of the County of Haldimand, be Commissioners for expending the same.

XX. *And be it further enacted by the authority aforesaid, That the sum of Two Thousand Pounds, hereby granted to the District of London, shall be appropriated and expended as follows, that is to say:—On Talbot Road, in the Townships of Dunwich and Aldborough, the sum of One Hundred and Fifty Pounds; on the road leading from the River Thames*

to Furnival on Lake Erie in the Township of Aldborough, the sum of Fifty Pounds, and that Lesslie Patterson, Esquire, of Dunwich, and Ewen McKinlay, of Aldborough, be Commissioners for expending the same. On the road leading from the Furnace in Dereham to the mouth of Big Otter Creek on Lake Erie, the sum of One Hundred Pounds, and that George Tillson, Andrew Dobbie, Esquire, and Isaac Draper, Esquire, be Commissioners for expending the same. On Wharncliffe Highway, from the road between Lots number Thirty and Thirty-one, in the Township of Westminster, near the Farm of Michael McLaughlin to Thomas Pool's farm on the North branch of Talbot road, the sum of Fifty Pounds, and that John O'Neil, and Henry Sherwick, be Commissioners for expending the same. On the proof line in the Township of London, the sum of One Hundred Pounds, and that Duncan McKenzie, William Robertson and James Parkinson, Esquires, be Commissioners for expending the same. On Dundas Street, between the Town Plot of London and the Eastern limit of that Township, the sum of Twenty-five Pounds, and that Dudley Marrills and Linus Forbes, be Commissioners for expending the same. On the Long Wood Road, in the Township of Carradoc, the sum of Twenty-five Pounds; on the same Road in the Township of Ekfrid and Mosa, the sum of Two Hundred and Fifty Pounds; and on the main road through the Township of Delaware, the sum of Fifty Pounds, and that Roswell Mount, Esquire, James Craig and Singleton Gardiner, be Commissioners for expending the same. On the road leading from Saint Thomas to Port Stanley in the Township of Yarmouth, the sum of One Hundred Pounds, and that Benjamin Willson and James Nevills, Esquires, be Commissioners for expending the same. On the road leading from Finlay Malcolm's to Norwich, the sum of Twenty Five Pounds, and that Finlay Malcolm, Esquire, John Kelly and Peter Sackrider, be Commissioners for expending the same. On the road from Whitehead's in Burford, to the Quaker Meeting House in Norwich, the sum of Fifty Pounds, and that George Washington Whitehead, Esquire, George Higson and Michael Stover, be Commissioners for expending the same. On the main road between Whitehead's and Dodges, the sum of One Hundred and Fifty Pounds, and that John Weir, Richard Brown and John Kern, be Commissioners for expending the same. On Dundas Street, including the Town Plot of Oxford, to the Township Line of London, the sum of One Hundred and Fifty Pounds, and that John Hatch, Esquire, Jacob Kearn and Hugh McDermid, be Commissioners for expending the same. On the road leading from Jacob Doty's to Dundas Street, through North Oxford, the sum of Fifty Pounds, and that Daniel Carrol and James Ingersoll, be Commissioners for expending the same. On the road from Nicholas French's in

Oxford, to the Furnace in Dereham, the sum of Fifty Pounds, and that Stilton Hacket, Peter Hayle and William Reynolds, be Commissioners for expending the same. On Dundas Street, from Lewis Charles' to the Town Plot in Oxford, the sum of Twenty Five Pounds, and that Joseph Smith, Lewis Charles and John Phalen, be Commissioners for expending the same. On the Road Line passing James McLeod's in Blenheim, the sum of Thirty Five Pounds, and that James McLeod, Thomas Roach and Michael Showers, junior, be Commissioners for expending the same. On the Second Concession of Blenheim, East of Peter Bastedo's, the sum of Fifteen Pounds, and that Peter Bastedo, Denton Burns and Hiram Graham, be Commissioners for expending the same. On the Main Road between Woodhouse and Townsend, leading to Walpole, the sum of Two Hundred and Fifty Pounds, and that Jonathan Austin, Philip Becmer, and Rynard Potts, be Commissioners for expending the same. On the main road leading from Willson's Mills in Woodhouse, to Frederick Sovreen's in Middleton, the sum of Thirty Pounds; and on Talbot Road, in Middleton, to improve the Hills on that road, the sum of Twenty Five Pounds, and that Frederick Sovreen and Reuben Richardson, be Commissioners for expending the same. On the Fourth Concession of Woodhouse, the sum of Twenty Five Pounds; and on the Bank of Lake Erie, in front of Woodhouse, from the mouth of Patterson's Creek to the Western Line of Walpole, the sum of Twenty Five Pounds, and that Philip Austin and Elijah Doan, be Commissioners for expending the same. On the Front Road in the Township of Walsingham, the sum of Fifty Pounds; and in the Township of Charlotteville, on Lots numbers Fifteen and Sixteen, in the Fifth Concession, the sum of Twenty Five Pounds; and on the road from Kern's to Charles Glover's, and thence Westerly to the Township Line, the sum of Twenty Pounds, and that Oliver Maybee and Cornelius Deddrick, be Commissioners for expending the same. On the main road in Townsend, from Malcolm's Mills to Abraham Massaker's, the sum of Twenty Five Pounds; and on the main road between Windham and Townsend, from John Cline's to the Round Plains, the sum of Twenty Five Pounds, and that Gabriel Collvar and Mathew Tisdale, be Commissioners for expending the same.

Appropriation for the Western District, and appointment of Commissioners

XXI. *And be it further enacted by the authority aforesaid,* That the sum of One Thousand Seven Hundred Pounds, hereby granted to the Western District, shall be appropriated and expended as follows, that is to say:—In the Township of Rochester, from the upper or Eastern side of the River Ruscom Bridge, thence along the Beach and across the Marsh where the road is now travelled, and to open the road on the ridge to Dejarlet, Twenty Five Pounds; and from the Belle River to Lavallee's, on the Front Road, Twenty Five Pounds, and that Benjamin Lavallee,

and Charles Campeau, and James Askin, be Commissioners for expending the same. On the New Road leading from the Bridge over Pikes Creek, to the Second Concession Line of the Township of Sandwich, and along the same to Charles Forneau's farm, and along the new road to Andre Peltier, the sum of One Hundred and Seventy Five Pounds; on the Talbot road, from the Town of Sandwich, to the Township of Mersea, the sum of One Hundred and Twenty-five Pounds; on Talbot middle road in the Townships of Sandwich and Maidstone, the sum of Twenty-five Pounds, and that George Jacob, and Charles Eliot, Esquires, and Chrissostom Pagot, be Commissioners for expending the same.— From the River Detroit, along the new road between Campeau and Lozon's Farm, to the Second Concession of the Township of Sandwich, the sum of Twelve Pounds Ten Shillings, and that Antoine Cecile and Joseph Morran, be Commissioners for expending the same. For repairing or making a new Bridge over Turkey Creek, the sum of Twenty-five Pounds, and that Charles Eliot, Esquire, Thomas Martin and Thomas Giniac, be Commissioners for expending the same. From the Turnpike Road on the South side of Riviere Aux Canards to Amherstburgh, the sum of Sixty-two Pounds Ten Shillings, and that Alexis Lemai, Alexis Laferte and Daniel Botsford, be Commissioners for expending the same. On the Back Road from Amherstburgh to Colchester, the sum of One Hundred and Fifty Pounds, and that Francis Caldwell, Jean Baptiste Deneau, and William Mickle, be Commissioners for expending the same. From Amherstburgh on the new road, to Talbot, Sandwich Road, the sum of Fifty Pounds, and that James Caldwell, Jean Baptiste Mercure, and Charles Bondy, be Commissioners for expending the same. On the Concession Roads of the Township of Colchester, the sum of Twenty-five Pounds, and that Matthew McCormick, Jerius Brush and John Ferris, be Commissioners for expending the same. For erecting a Bridge over Isler's Creek in the Township of Colchester, the sum of Fifty Pounds, and that Thomas McLean and Jacob Arner, be Commissioners for expending the same. On the road in the Second Concession of the Petite Cote, in the Township of Sandwich, the sum of Twenty-five Pounds, and that Jaques Girard, Paul Laframboise, and James Allen, be Commissioners for expending the same. On the road in front and rear in the Township of Gosfield, the sum of Twenty-five Pounds, and that Peter Scratch, Alexander K. McKenzie and Joseph Wigle, be Commissioners for expending the same. On the Talbot Road in the Township of Mersea, the sum of Fifty Pounds, and that Charles Stuart and Michael Fox, be Commissioners for expending the same. In the Five Mile Woods in the Township of Romney, the sum of One Hundred Pounds, and that James W. Little, Esquire, and Messrs. Joseph Smith and Thomas Renwick, be Commissioners for expending the same. On the road

passing between the Farms of Joseph Smith and Jacob Klinger Smith, in Raleigh, leading to the settlement in the middle road in the said Township, the sum of Twenty Five Pounds, and that Messrs. Joseph Smith and James Price, be Commissioners for expending the same. On Talbot Road, in the Townships of Oxford and Howard, for the purpose of Bridging and making more passable three ravines and Hills in the said Townships, the sum of Twenty Five Pounds, and that John Answorth, David H. Gisner, and David S. Baldwin, be Commissioners for expending the same. For making four Bridges on the road from the River aux Perches, in the Western District, to Townsend in the London District, the sum of Thirty Seven Pounds Ten Shillings, and that Henry Jones, Esquire, be the Commissioner for expending the same. On the road along the River St. Clair, in the Township of Sombra, and through the Indian Reservation adjoining to said Township, the sum of Fifty Pounds, and the further sum of Fifteen Pounds towards completing Bridges on the said road, and that Claude Gouin, Henry Jones, and William Jones, Esquires, be Commissioners for expending the same. Towards opening the road from Jared Lindsley's, on the East Branch of Bear Creek, in Dawn, to the River Thames, the sum of Thirty Seven Pounds Ten Shillings, and that Messrs. Lewis, Son of John Arnold, Jared Lindsley, and Lewis Arnold the elder, be Commissioners for expending the same. On the road from the Old Site of the Moravian Village, in the Township of Zone, to the line dividing the Western from the London District, for repairing the Hills and widening the said road, the sum of One Hundred Pounds, and that George Kirby, Esquire, Messrs. Singleton Gardiner and Matthew Cornwall, be Commissioners for expending the same. On the road from Talbot Road in Howard leading to the middle road Settlement, in the said Township, the sum of Twenty Five Pounds, and that Messrs. John Unsworth and Robert Wood, be Commissioners for expending the same. For Building a Bridge across Big Bear Creek, from Lauchlin McDougall's below the Forks of the East and North Branches of Bear Creek, in Sombra, the sum of Two Hundred Pounds, and that Claude Gouin, and William Jones, Esquires, and Lauchlin McDougall, be Commissioners for expending the same.— On the road between Howard and Harwich, from the River Thames to Talbot Road, the sum of One Hundred Pounds, and that Messrs. Christopher Arnold and Robert Wood, be Commissioners for expending the same. On the Ridge Road through Harwich, for the purpose of levelling the Cradle Knolls, the sum of Fifty Pounds, and that Messrs. Robert Wood, John Dismond, and James Little, Esquire, be Commissioners to expend the same. On the road from Isaac Wilcocks' across the River Thames Plains, to the first Fork of the Thames, the sum of Sixty Pounds Ten shillings, and that Messrs. Daniel Dolson, Francis Drake and

George Jacob, Junior, Esquire, be Commissioners for expending the same. On the road dividing the Townships of Chatham and Camden, from the River Thames through Dawn, to East Bear Creek, the sum of Twenty-four Pounds Ten Shillings, and that Christopher Arnold, and Alexander Wallen, be Commissioners for expending the same.

XXII. *And be it further enacted by the authority aforesaid,* That some one of the Commissioners herein before named or appointed under the authority of this Act for any division of Road, shall, and is hereby required, to make oath before one of the Justices of the Peace in the District in which such Commissioner or Commissioners shall act, and annex or subjoin the same to the Schedule or abstract Statement of the expenditure of the Monies under the direction of such Commissioner or Commissioners, in the following form:—I, A. B. a Commissioner under the Road Act, make Oath and say, that the prefixed Schedule or Abstract Statement, is a true and faithful account, in all its particulars, of the Monies expended by the Commissioners of which I am one, to the best of my knowledge and belief—So help me God.

Commissioners to make Oath to the correctness of their Account.

XXIII. *And be it further enacted by the authority aforesaid,* That any Monies to be laid out and expended under the provisions of this Act, shall be paid by the Receiver General to the Treasurers of the several Districts. in discharge of such Warrant or Warrants as shall be issued for that purpose by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, and shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs or Successors shall be graciously pleased to direct.

Monies granted how paid and accounted for.

XXIV. *And be it further enacted by the authority aforesaid,* That the Treasurers of the several Districts are hereby authorised and required to pay over to the respective Commissioners named in this Act, or appointed under the authority thereof, or a majority of them, the several sums by this Act appropriated, to be expended on that portion of the Roads which such Commissioners are appointed to superintend: *Provided always,* that the said Treasurers shall not be entitled to any Commission for receiving and paying the several sums of money mentioned in this Act.

Treasurers to pay monies to Commissioners.

XXV. *And be it further enacted by the authority aforesaid,* That in the event of the death, removal, or refusal to act of any of the Commissioners named in this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this

Governor may appoint Commissioners in case of vacancies.

Province for the time being, to appoint such person or persons as he shall think fit to fill the vacancies that may be occasioned as aforesaid.

How Contracts are to be let.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Commissioners hereinbefore mentioned, and they are hereby required, in all cases where improvements are to be made upon the Roads and Bridges throughout the several Districts of this Province, to expose the same at Public Auction, and in small portions where it may be practicable, so as to afford ample competition to all persons desirous of contracting for portions of the work to be performed, and to strike off the same in convenient portions to the lowest bidder, having in all cases given at least three weeks previous notice thereof by Public Advertisement, or to procure the performance of such improvements or repairs in such manner as the majority of such Commissioners shall deem most advantageous and expedient: *Provided always,* that no Commissioner hereinbefore named shall be a Contractor for the performance of any part of the work over which he shall have been appointed such Commissioner.

Commissioners to keep proper Vouchers to accompany their Accounts.

XXVII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Commissioners hereinbefore named, or that may be appointed under the authority of this Act, and they are hereby required, to make out, and at the time of paying over any monies, cause to be executed in the presence of at least one respectable Witness, Vouchers or Pay-lists, containing Abstract Statements of the money expended, and the service performed; stating the names of the several Contractors; the pieces of work performed; the rate at which such work shall have been performed; and the signatures of the Contractors, acknowledging the receipts of the sums opposite their names respectively, which Vouchers shall be made according to the annexed Schedule or form, and transmitted to the Office of the Governor, Lieutenant Governor, or Person Administering the Government, on or before the Thirty-first day of December next, and by Him laid before the Commons House of Assembly at the ensuing Session of Parliament.

SCHEDULE,

*Or abstract Statement, and Receipts, of Monies expended in the——District under Schedule.
the Road Act of 1831, by A. B. and C. D. Commissioners.*

Contractors Names.	Description of Work Contracted for	Sums in Currency for which Contracts have been made.			Signatures of Contractors acknowledging the receipt of the Sums opposite their names.	Names of Witnesses to the Payment and Signatures.
		£	s.	d.		



CHAP. XVIII.

AN ACT to afford further aid to the Welland Canal Company, and to repeal part of and amend the Laws now in force relating to the said Company.

[Passed 16th March, 1831.]

WHEREAS the Welland Canal Company are desirous of raising by Preamble.
Loan the sum of Fifty Thousand Pounds of lawful Money of this Province
to complete the said Canal from the River Welland to Lake Erie; and
whereas it is expedient to afford Public aid in furtherance of the said
undertaking upon Security of the said Canal Company, as hereinafter
mentioned:—*Be it therefore enacted* by the King's Most Excellent Majes-
ty, by and with the advice and consent of the Legislative Council and
Assembly of the Province of Upper Canada, constituted and assembled
by virtue of and under the authority of an Act passed in the Parliament

of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That whenever the said Welland Canal Company shall have executed a Bond, under form of Law, conditioned for the punctual payment of the Interest and Principal of such Debentures as shall by the authority of this Act be issued for their benefit; and shall also have executed a Mortgage upon the Canal and the Tolls thereon as collateral security for the payment of the said condition, then it shall and may be lawful for the Governor, Lieutenant Governor, or person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province to issue and deliver to the Directors of the said Company the Debentures of this Province to the amount of Fifty Thousand Pounds, in sums not less than Two Hundred Pounds each, as may be required by the said Directors, payable to the order of the said Company at the expiration of twenty five years from the passing of this Act, with Interest at the rate of Five per Cent per annum, payable half yearly in the City of London, at such place as shall from time to time be named by the President of the said Company for the time being, and published in two Newspapers of said City at least three months before such Interest shall become due, and whenever any change in the place of payment shall be made such notice shall again be given in the same manner; *Provided also*, that no part of the said sum of Fifty Thousand Pounds shall be expended by the said Welland Canal Company in building Boats or Vessels, erecting Storehouses, or in any other manner than in completing of the said Canal, and the Towing Paths, Locks and Harbours, appertaining thereto.

Debentures to the extent of £50,000 may be issued to the Welland Canal Company, upon giving security.

Interest on Debentures payable half yearly in London.

Money how to be expended.

Debentures charged on the general Revenues of the Province.

II. *And be it further enacted by the authority aforesaid*, That all such Debentures as are hereby authorised to be issued, and the Interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the Receiver General to and for the public uses of this Province, and at the disposal of the Legislature thereof.

Directions to appropriate Tolls to the payment of the Interest on the Debentures.

III. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors, in the appropriation of their Tolls, to make provision for the payment of the Interest of the aforesaid Debentures, pursuant to their tenor, sufficient for one year in advance, and to have that sum always at their command, before any Dividend of profits to the Stockholders shall be declared: and further, in their Annual

Report to the Parliament, they shall particularly name the place and manner in which the same is deposited or invested.

IV. *And be it further enacted by the authority aforesaid,* That all such Debentures, with the Interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon the Fund provided by the securities given for the repayment thereof by the said Welland Canal Company; and if at any time satisfactory provision shall not have been made in the manner named in the preceding clause for the payment of the Interest and the Principal when due, it shall then be lawful for His Majesty's Receiver General of this Province for the time being, and he is hereby required, in the name and on the behalf of His Majesty, to take possession of the said Canal, and appoint such Agents, Collectors, and other Officers as may be requisite to manage the same, and deposit and apply the proceeds thereof to the payment of the Interest and Principal aforesaid: *Provided always,* that no part of the said sum of Fifty Thousand Pounds shall be advanced to the said Company until personal Security shall have been given to the satisfaction of His Excellency the Lieutenant Governor, to the amount of Twenty Five Thousand Pounds, that the said Canal shall be completed for Ship Navigation from the said River Welland to some Point in Lake Erie, to be fixed upon by the Directors of the said Company for a Harbour, and that the said Harbour shall likewise be completed without any further grant for that purpose; and that the said Company shall bear harmless, and keep indemnified, the Government of this Province of, from and against the payment of one half of the said sum of Fifty Thousand Pounds, and the Interest from time to time growing due thereon.

In case default shall be made by the Welland Canal Company in the payment of the Interest and Principal when due, Canal may be taken possession of for the use of His Majesty.

Security to the amount of £25,000 to be given for the due application of the money and for payment of half the above Loan, and Interest.

V. *And be it further enacted by the authority aforesaid,* That the President and Directors of the Welland Canal Company shall be permitted to occupy such portion of the Grand River and the land adjoining the same from the upper part of the Dam erected by the said Company across the same, and thence to the mouth of the said River, as may be necessary for a Towing-Path, Warehouses, and other Buildings or Erections, and to improve the Navigation thereof by the use of dredging machines and otherwise, and that the said Company shall have the privilege to extend their Canal for Ship Navigation to the said Grand River, and to any other Bay or Harbour on Lake Erie to the Eastward from the mouth of the said River, and occupy the same as aforesaid, as they may think the public convenience and the interest of the said Company may require.

Company may extend their operations to Lake Erie, and improve the Grand River below the Dam.

11th Geo. 4, Ch. 11,
Sec. 11, and 6th Geo.
4, Ch. 2, Sec. 15 & 16,
repealed.

VI. *And be it further enacted by the authority aforesaid,* That the eleventh clause of the Act to grant a further loan to the Welland Canal Company, and to regulate the further operations, passed in the second Session of the Tenth Parliament, by which the said Company are restricted from extending said Canal to Lake Erie, without further Legislative provision for that purpose, and the fifteenth and sixteenth clauses of the Act passed in the Sixth year of His late Majesty's Reign, entitled "An Act to repeal part of and to extend the provisions of an Act passed in the Fourth year of His present Majesty's reign, entitled 'An Act to Incorporate certain persons therein named under the style and title of the Welland Canal Company,'" be, and the same are hereby repealed.

J. Warren, S. Street,
and D. Thornburn,
appointed Arbitra-
tors.

VII. *And be it further enacted by the authority aforesaid,* That John Warren, Esquire, Samuel Street, Esquire, and David Thornburn, Esquire, shall be Arbitrators to settle and award the damages sustained by individuals whose property has been injured by the operations of the Company, or whose property shall have been, or may hereafter be, taken by the Company and with whom the Company have not agreed and cannot agree, and whose claims have not been adjusted under former Laws, whose decision shall be final between the parties; and the said Arbitrators shall be allowed for every day of their attendance to the duties of such Arbitration, the sum of Twenty Shillings.

Arbitrators to be
sworn.

VIII. *And be it further enacted by the authority aforesaid,* That the said Arbitrators shall be sworn before some one of His Majesty's Justices of the Peace, well and truly to hear and determine all matters submitted to them, and a true judgment to give according to the evidence.

Arbitrators may
Summon Witnesses.

Witnesses to be
sworn.

Expenses of Wit-
nesses to be settled
by Arbitrators.

IX. *And be it further enacted by the authority aforesaid,* That the said Arbitrators shall have full power and authority to Summon all Witnesses that may be required by any of the parties to appear before them, and to swear the said Witnesses to testify the truth, the whole truth, and nothing but the truth, respecting the matters to which they shall be interrogated, and that they shall be allowed a sum not exceeding Five Shillings per diem, according to the discretion of the said Arbitrators, and that such remuneration shall be paid by the party requiring their attendance.

Account upon Oath
to be laid before the
Legislature.

X. *And be it further enacted by the authority aforesaid,* That a true, full and particular account in detail of the expenditure of all monies raised by the Welland Canal Company from the Debentures hereinbefore mentioned, be laid before the Legislative Council and House of Assembly by the President, Directors and Company of the Welland Canal Com-

pany, which account shall be verified by the oath of the President and Secretary of said Company, made before a Judge of the King's Bench or of any District Court in this Province, stating that the said account is a just and true account of the expenditures of the said monies.

CHAP. XIX.

AN ACT to grant a Sum of Money, and to provide for the Improvement of the Navigation of the River aux Raisin, in the County of Glengarry.

[Passed 16th March, 1831.]

WHEREAS it would afford great advantage to the Inhabitants of Williamstown and the Settlements adjacent, if the Navigation of the River aux Raisin were improved and rendered practicable for Boats from Lancaster to the said Village of Williamstown, and it is therefore expedient to grant a sum of Money in aid of the subscriptions of the persons interested in the said Improvements: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties now raised, levied and collected, or hereafter to be raised, levied and collected, and remaining in the hands of the Receiver General of this Province unappropriated, there be granted to His Majesty the sum of Three Hundred Pounds, which sum shall be applied in removing obstructions and improving the Navigation of the River aux Raisin, between the Village of Williamstown and Lake Saint Francis.

Preamble.

£300 granted to His Majesty, for the improvement of the Navigation of the River aux Raisins.

II. *And be it further enacted by the authority aforesaid*, That the Monies granted by this Act shall be accounted for to the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

How to be accounted for.

Commissioners for
laying out the said
sum.

III. *And be it further enacted by the authority aforesaid,* That Alexander Fraser, John McGillivray and Hugh McGillis, Esquires, shall be Commissioners for the purpose of expending the said sum of Money, and improving the Navigation of the said River aux Raisin ; and that the said Commissioners shall cause an account in detail of the expenditure of the said sum of Money, together with a report of the proceedings under this Act, to be transmitted to the Governor, Lieutenant Governor or person Administering the Government, to be laid before the Legislature.

Commissioners duty.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or any Contractor or Contractors, or persons employed under them for the purposes of this Act, shall have authority to enter upon any Lands immediately adjacent to the said River, and lay and deposit upon the Beach or Bank of the said River any stone, earth or other materials, which may be removed from the bed of the said River : *Provided always,* that nothing herein contained shall be taken to give any authority to any person or persons whatever to enter upon any such Land for the purposes of this Act, at any time when such entry would prove injurious to any Crops planted or sown therein, without the consent of the owner or owners thereof : *and Provided also,* that any stone, earth or other material, which may be removed from the bed of the said River, shall not be removed or laid on Land at a greater distance than twenty feet from the waters edge of the said River.

CHAP. XX.

AN ACT to authorise the laying out several sums of Money granted by an Act of the last Session of the Legislature, entitled " An Act granting to His Majesty a sum of Money for the improvement of the Roads and Bridges in this Province," and which sums remain unexpended.

[Passed 16th March, 1831.]

Preamble.

WHEREAS divers sums of Money granted during the last Session of Parliament, to be applied on Roads and Bridges, from various causes remain unexpended, and it is expedient to provide for the expenditure of such sums of money in the several places and by the several persons hereinafter mentioned :—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted

and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,’” and by the authority of the same, That the sum of One Hundred Pounds remaining unexpended, and in the hands of the Treasurer of the District of Bathurst, shall be expended and applied on the road in the Township of Goulburn, between the Third and Fourth Concessions, and that Joseph Hinton, Edward Morris and John Turney, be Commissioners for expending the same.

£100 unexpended in Bathurst how to be applied.

II. *And whereas*, the sum of Seventy-five Pounds ordered and appropriated by the said Act to be laid out and expended on the road leading from Smith Griffin’s in the District of Niagara, to the Township Line between Saltfleet and Binbrook in the District of Gore, remains unexpended; *Be it enacted by the authority aforesaid*, That the said sum of Seventy Five Pounds be expended on the line run by Samuel S. Wilmot, Deputy Surveyor, on the rear part of the Eighth Concession of Saltfleet in the County of Wentworth, in the Gore District, whenever the said line shall be confirmed as a Common and Public Highway agreeably to the Laws now in force, to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and that Elijah Secord, John Secord and Daniel K. Servos, be Commissioners for expending the same.

£75 unexpended in Gore how to be applied.

III. *And whereas*, Also by the said Act, the sum of One Hundred Pounds of the Monies granted for the improvement of the Public Roads in the District of London, remains unexpended in the hands of the Treasurer of the said District; *Be it therefore further enacted by the authority aforesaid*, That the same shall be expended and applied upon the Road now opened between the Seventh and Eighth Concessions of the Township of Walpole, in the County of Haldimand, and that Philip Beemer, Jonathan Austin and Rynard Potts, be Commissioners for expending the same.

£100 unexpended in London how to be applied.

IV. *And whereas* by the said Act the sum of Forty Pounds was directed to be expended on the Bridge at the Chatham Fork, in the Western District, part whereof remains unexpended; *Be it therefore further enacted by the authority aforesaid*, That so much of the said sum of Forty Pounds as remains unexpended shall be applied towards improving the Communication Road in the Township of Harwich, from the River Thames to the Ridge Road, and that William McCrea, Jacob

The sum of money unexpended in the Western District how to be applied.

Duty of the Commissioners.

Dolson and Duncan McGregor, be Commissioners for expending the same.

V. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Commissioners to observe all the directions contained in the said Act, respecting the manner of making contracts and receiving the Money from the Treasurers of the several Districts, who are hereby authorised to pay the same to the Commissioners aforesaid, under the provisions and conditions contained in the said Act.

£50 unexpended in the hands of the Treasurer of the Midland District how to be applied.

VI. *And whereas* the sum of Fifty Pounds ordered by the said Act to be expended on the Montreal Road between the Town of Kingston and the Eastern limit of the County of Frontenac, remains in the hands of the Treasurer of the Midland District unexpended; *Be it therefore further enacted by the authority aforesaid*, That the said sum of Fifty Pounds be laid out and expended as heretofore directed, and that John McAulay, Elijah Beach, James Atkinson and Dougald Thomson, be Commissioners for expending the same.

CHAP. XXI.

AN ACT to remunerate James Gordon Strobridge for labour and materials provided and applied by him in constructing the Burlington Bay Canal.

[Passed 16th March, 1831.]

Preamble.

MOST GRACIOUS SOVEREIGN.

WHEREAS by virtue of an Act passed in the ninth year of the Reign of His late Majesty entitled, “An Act to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay,” Arbitrators were appointed to make the said valuation: *And whereas*, by the said Act the said Arbitrators were authorised to inquire as to all such matters and things as might appear necessary for enabling them to make a just award concerning the true value of the materials and labour applied by James Gordon Strobridge in the prosecution of the work; *And whereas*, the said Arbitrators were restrained by the said Act from awarding a greater sum of money than should at the time of the making their award remain unexpended of the monies already appropriated for the

erection and completion of the said Works ; *And whereas*, it actually appeared to the Arbitrators in the course of their investigation that the sum of Five Thousand, five hundred and ninety one Pounds, eight Shillings and five Pence halfpenny, was justly due to the said James Gordon Strobridge for the materials and labour aforesaid, although the sum remaining in the hands of the Commissioners at the time of making the award, was only Three Thousand, two hundred and thirty four Pounds, fourteen Shillings and eight Pence, unappropriated as aforesaid, and the said Arbitrators were restrained by the said Act from awarding more than the said last mentioned sum, and it therefore appears that the balance remains justly due to the said James Gordon Strobridge notwithstanding the relief afforded by the said Act, and it is just that the said James Gordon Strobridge should be remunerated for the labour and materials expended at his expense on the said Work : We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, beseech Your Majesty that it may be enacted : *And be it enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of Two Thousand, three hundred and fifty six Pounds, thirteen Shillings and nine Pence halfpenny, to be issued out of the sums now remaining, or that may hereafter come into the hands of the Receiver General unappropriated, which said sum shall be disposed of and appropriated as follows, that is to say :—The sum of Two Thousand, three hundred and fifty six Pounds, thirteen Shillings and nine Pence halfpenny, being the said balance due to the said James Gordon Strobridge as the balance of the remuneration of the labour and materials used and applied in and about the said Work by the said James Gordon Strobridge, which said sum of Two Thousand, three hundred and fifty six Pounds, thirteen Shillings and nine Pence halfpenny, shall be paid in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor or person Administering the Government of this Province, and shall be accounted for through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

£2,356, 13s. 9d.
granted to His Majesty to remunerate
J. G. Strobridge
for work done to the
Burlington Canal.

How paid and
accounted for.

CHAP. XXII.

AN ACT to Indemnify Roswell Mount, Esquire, for Monies advanced by him to complete a Bridge across the River Thames, from Delaware to Carradoc.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN,—

Preamble.

WHEREAS a Bridge has been Built across the River Thames from Delaware to Carradoc, in the London District, on the Great Road from York to Sandwich, *And whereas*, Roswell Mount has made himself answerable and paid to the Contractor over and above his own liberal Subscription in order to complete the said Bridge, the sum of Seventy Five Pounds Three Shillings and One Penny, *And whereas*, from the great Public Utility of the said Bridge, We, Your Majesty's faithful Commons, desirous of making good to the said Roswell Mount the sum paid by him as aforesaid, do hereby beseech Your Majesty that it may be enacted:—*And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the rates and duties now raised, levied and collected, or which may be hereafter raised, levied and collected, and in the hands of the Receiver General of this Province, for the Public uses of the same, and unappropriated, there be granted to His Majesty the sum of Seventy Five Pounds Three Shillings and One Penny, which said sum of Seventy-five Pounds Three Shillings and One Penny, shall be appropriated and applied in making good to Roswell Mount, the said sum paid by him as aforesaid, and shall be paid by the Receiver General of this Province in discharge of such Warrant or Warrants as the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, may from time to time issue for that purpose, and shall be accounted for to His Majesty through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

£75 3s. 1d. granted to His Majesty to remunerate R. Mount Esq. for building a Bridge.

How to be paid and accounted for.

CHAP. XXIII.

AN ACT to make good certain Monies paid under the Warrants of His Excellency the Lieutenant Governor in advance, to defray the Contingencies of the last Session of the Legislature.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN.

WHEREAS Your Majesty's faithful Commons did, at the last Session of the Provincial Legislature, adopt an Address to Your Majesty's Lieutenant Governor of this Province, requesting His Excellency to issue His Warrants in favor of the Clerks and other Officers of the Legislature for the payment of certain Contingencies of said Session, which Address was ordered to be engrossed and read a third time forthwith, but for want of sufficient time before the prorogation of the last Session of the Legislature the said Address was not presented: *And whereas* the Clerk of the House of Assembly, four days after the said prorogation, did transmit to His Excellency the Lieutenant Governor, attested copies of the proceedings had by the House on the subject of the same for the consideration of His Excellency; and His Excellency having been graciously pleased, in compliance with the request of the House of Assembly as manifested in said proceedings, to issue His Warrants in favour of the Clerks and other Officers of the Legislative Council and House of Assembly for the sum of Three Thousand, two hundred and twelve Pounds, twelve Shillings and three Pence, to enable them to pay the Contingent expenses of the said Session, may it therefore please Your Majesty that it may be enacted: *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General and unappropriated, there shall be issued and applied the sum of Three Thousand, two hundred and twelve Pounds, twelve Shillings and three Pence, to make good the same sum in discharge

Preamble.

£3,212 12s. 3d. to be issued, to make good the same sum advanced for Contingencies of the Legislature.

of such Warrant or Warrants which have been issued in manner before mentioned.

How to be accounted for.

II. *And be it further enacted by the authority aforesaid*, That the due application of the said sum of Money, pursuant to the direction of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be pleased to direct.

CHAP. XXIV.

AN ACT to grant a sum of Money to His Majesty in aid of the York Hospital.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN,—

Preamble.

WHEREAS the Public Hospital in the Town of York has been found of great benefit and advantage in affording Medical and Surgical assistance to many destitute and unfortunate Emigrants and others, and it is therefore desirable to extend aid to the said Institution, we therefore beseech Your Majesty that it may be enacted: *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied and collected, and unappropriated, or hereafter to be raised, levied and collected, and unappropriated, there be granted to His Majesty the sum of One Hundred Pounds of lawful Money of this Province, to be held by His Excellency the Lieutenant Governor, or person Administering the Government of this Province for the time being in trust, to be applied to the use and benefit of the said Hospital.

£100 granted to His Majesty in aid of the York Hospital.

II. *And be it further enacted by the authority aforesaid,* That the Money hereby granted shall be paid by the Receiver General in discharge of such Warrant or Warrants as shall be issued by the Governor, Lieutenant Governor, or person Administering the Government for the time being, upon the Receiver General of this Province in favour of any person or persons, to be applied to the purposes of this Act, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

How to be paid and accounted for.

CHAP. XXV.

AN ACT for affording aid to William Chisholm Esquire, towards the completion of the Harbour at Oakville, in the Township of Trafalgar.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN.

WHEREAS by an Act passed in the ninth year of His late Majesty's Reign entitled, "An Act to enable William Chisholm Esquire to erect Preamble. a Harbour at the Sixteen Mile Creek, in the Township of Trafalgar, in the Gore District," authority was given to the said William Chisholm to erect the said Harbour; *And whereas,* the said William Chisholm has so far proceeded in the erection of the said Harbour as by the protection and convenience already afforded to Vessels and Boats clearly to demonstrate its utility; *And whereas,* a Schedule of the Tolls which would have been collected at the said Harbour, had the same been finished during the past year, has by the said William Chisholm been exhibited to the Legislature, which sufficiently warrants the expectation of a certain return of the Interest of the monies already expended and necessary to be expended for the completion of the said Harbour, and in ten years the Principal also: *And whereas,* the said William Chisholm has expended from his own private funds the sum of One Thousand, four Hundred and two Pounds, seven Shillings and three Pence one farthing, and the work when completed being considered one which will prove of great utility to that part of the Country in which it is situated, and of safety and convenience to the Shipping interests of the Lake Trade generally, it is expedient to Loan to the said William Chisholm the sum of Two Thousand five hundred Pounds, may it therefore please Your Majesty that it may be enacted:

And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and^d under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government of this Province for the time being, to authorise and direct His Majesty's Receiver General of this Province to raise by Loan from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, a sum of money not exceeding Two Thousand, Five Hundred Pounds, at a rate of Interest not exceeding Six Pounds per Centum; which said sum of Two Thousand, Five Hundred Pounds, shall be advanced by way of Loan to the said William Chisholm, at the same rate of Six per Centum Interest, to be by him applied in the completion of the said Harbour at the Sixteen Mile Creek aforesaid.

£2,500 authorised to be raised by Debentures to be loaned to William Chisholm Esquire.

Receiver General to issue the Debentures.

II. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for the said Receiver General for the time being to cause any number of Debentures to be made out for any such sum or sums of Money, not exceeding in the whole the said sum of two thousand, five hundred Pounds, at a rate of Interest not exceeding Six per Centum, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said Debentures, which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient; and that for each loan or advance a Debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of two thousand, five hundred Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding ten years, and shall be signed by the said Receiver General.

Provisions of a former Act to be applicable to the Debentures issued under this Act.

III. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in a certain Act of the Parliament of this Province passed in the Seventh Year of His late Majesty's Reign, entitled, "An Act to authorise the Government to borrow a certain sum of money upon Debentures to be loaned to the Welland Canal Company," respecting the debentures authorised by the said Act, passing Current

with Public Accountants, the payment of Interest on the same by such Accountants, and the suspension of interest in certain cases, the submitting to the Legislature accounts of such Debentures, the paying off and cancelling the said debentures and the punishment awarded for forging any of the said debentures or for any thing relating thereto, shall apply to and be in force in respect to the debentures which shall be issued under the authority of the said Act.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That before the said sum of Two Thousand, Five Hundred Pounds, hereby authorised to be loaned to the said William Chisholm, shall be advanced by the Receiver General, the said William Chisholm shall give such security to the said Receiver General as he shall deem satisfactory for the regular payment of the Interest, and the final repayment of the Principal of the sum so loaned, within the time specified in this Act; and that the said sum of money or so much thereof as shall be advanced by His Majesty's Receiver General to the said William Chisholm under the provisions of this Act, shall by him be applied towards the completion of the said Harbour, and for no other purpose whatsoever.

Mr. Chisholm to give security to the Receiver General before the money is advanced.

CHAP. XXVI.

AN ACT to make further Provision for completing the Kettle Creek Harbour in the District of London.

[Passed 16th March, 1831.]

MOST GRACIOUS SOVEREIGN,—

WHEREAS An Act was passed in the Eighth Year of the Reign of His late Majesty King George the Fourth, for the construction of a Harbour at the mouth of Kettle Creek, in the District of London, and the sum of money thereby granted has proved insufficient to complete the Piers and Works of the said Harbour, so as to render the same fit and commodious for the purposes of Navigation and Commerce at all seasons, *and whereas,* there is every reason to believe that the Tolls and Dues of the said Harbour will fully pay the Interest and eventually the principal of the monies expended, and also of the amount necessary to be expended to finish the same, and it is therefore desirable, in order that the said Harbour shall be completed with as little delay as practicable, to grant a

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further sum of money for that purpose, may it therefore please Your Majesty that it may be enacted; *And be it enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to authorise and direct His Majesty's Receiver General of this Province, to raise by loan from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the credit of the Government Bills, or debentures authorised to be issued under this Act, a sum of money not exceeding Three Thousand, Five Hundred Pounds, at a rate of Interest not exceeding Six Pounds per centum, to be applied by the Commissioners heretofore appointed in completing the said Harbour.

£3,500 to be raised by Debentures for the completion of Kettle Creek Harbour.

Receiver General to issue Debentures.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Receiver General for the time being, to cause any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Three Thousand, Five Hundred Pounds, at a rate of Interest not exceeding Six per centum, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient, and that for each loan or advance a debenture shall issue bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of Three Thousand, Five Hundred Pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding twenty years, and shall and may be signed by the said Receiver General for the time being.

Provisions contained in the 8. Geo. 4. c. 18. to be applicable to Debentures issued under this Act.

III. *And be it further enacted by the authority aforesaid*, That all and every the provisions contained in the said first mentioned Act of the Parliament of this Province passed in the Eighth Year of His late Majesty's Reign, entitled, "An Act to provide for the construction of a Harbour at the mouth of Kettle Creek in the London District," shall apply to and be in force in respect to the debentures which shall be issued under the authority of this Act.

CHAP. XXVII.

AN ACT for vesting the Estates which were of the late Laurent Quetton Saint George, deceased, in this Province, in William Warren Baldwin, and for declaring the trusts upon which certain other Estates were by the said William Warren Baldwin, for the better of the said William Warren Baldwin the better to be of the said Laurent Quetton Saint George, and relating to the Real and Personal Estates which were of Laurent Quetton Saint George, in this Province.

[Passed 16th March, 1831.]

WHEREAS Laurent Quetton Saint George, formerly a Lieutenant Colonel in the Service of His Majesty the then French King, and Chevalier of the Royal and Military Order of Saint Louis, did, some time in the years one thousand seven hundred and ninety seven, or eight, come into this Province as a French Loyalist Emigrant; *And whereas*, the said Laurent Quetton Saint George, during his residence in this Province, did become seized and possessed of divers Estates, Real and Personal, as well by virtue of certain Grants from his late Majesty King George the Third, made to the said Laurent Quetton Saint George, as such French Loyalist, as by purchase; *And whereas* the said Laurent Quetton Saint George, afterwards returned to France, having first made and executed certain Letters of Attorney bearing date the Sixteenth day of May in the Year of our Lord One Thousand Eight Hundred and Fifteen, whereby he the said Laurent Quetton Saint George, made, constituted and appointed William Warren Baldwin of York, in the County of York in this Province, Esquire, his Trustee and lawful Attorney for him, and in his name among other things to enter into and upon and take possession of all and singular the Messuages, Farms, Lands, Tenements and Hereditaments, Freehold and Leasehold whatsoever, to the said Laurent Quetton Saint George belonging or in anywise appertaining, or wherein or whereof the said Laurent Quetton Saint George had any Estate or Inheritance, and to make sale of and convey, either in fee simple or other less Estate for the best price that could be obtained for the same, certain Lands and Premises part of the Estate of the said Laurent Quetton Saint George, in the said Letters of Attorney particularly mentioned, and the monies arising from such sale or sales to lay out, invest, remit and pay over to and for the use of the said Laurent Quetton Saint George in such manner and form, and to such persons as the said Laurent Quetton Saint George should or might by Letter or otherwise direct or appoint, and to sign

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and execute, and as the Act and Deed, and Acts and Deeds of the said Laurent Quetton Saint George, to deliver any Deed or Deeds, conveyances and assurances whatsoever, for conveying either by way of absolute sale, or in Leasehold Estates, the therein aforesaid Lots of Land with their appurtenances, and view, search, and examine the condition and defects of reparation of all the said Estates of the said Laurent Quetton Saint George, and to give directions for repairing the same, and generally to oversee, set, let and manage the said Estates of the said Laurent Quetton Saint George to the best advantage, and also to contract with any person or persons for leasing any of the said Premises, and to accept of surrenders of Leases, and for that purpose to make, seal, deliver and execute any Lease or Leases, Demises, Grants or other lawful deed or instrument whatsoever, which should be necessary and proper in that behalf; *and also*, to Sue for, receive and recover all manner of debts, dues, duties, rents, sum and sums of money whatsoever due or to grow due to the said Laurent Quetton Saint George, in respect of the premises aforesaid, and on non payment thereof, to enter into and distrain, and the distress and distresses found to detain and keep or otherwise dispose of according to law, *and also*, for and in the name of the said Laurent Quetton Saint George, to commence and prosecute any action or actions, suit or suits as well real, as personal and mixed, for the recovery of any debt by Bond, Bill, or Promissory Note, Book Account, or of any matter or thing whatsoever due or payable, or to become due or payable, or coming unto or in anywise belonging or appertaining to the said Laurent Quetton Saint George; and the same action or actions, suit or suits, to prosecute and follow, or else to discontinue or to become nonsuit therein if the said William Warren Baldwin should see cause, and also for him the said Laurent Quetton Saint George, and in his name generally, to use and take all such lawful ways and means for the recovering, receiving, obtaining, getting in, and securing any rent, sum and sums of money, and other things whatsoever, which were, or should, or might be due, owing, belonging or payable to the said Laurent Quetton Saint George, by or from any person or persons whomsoever, as fully and effectually as the said Laurent Quetton Saint George might do if he were personally present; and also for the said Laurent Quetton Saint George, and in his name to accept and receive any Deed or Deeds of Mortgage, either in fee or for term of years, as security for any of the aforesaid debts that the Attorney might think advisable should be secured; and for the said Laurent Quetton Saint George, his Executors, Administrators and Assigns, in such Deeds of Mortgage to covenant and agree upon payment of the sum and sums secured thereon, to re-convey the Lands and Premises mentioned in such Mortgage to the Mortgager his Heirs, Executors, Administrators and Assigns, according to the true intent and

meaning of the securities : *And whereas* the said Laurent Quetton Saint George afterwards by his certain other Letter of Attorney, bearing date the fourth day of December, in the year of our Lord One Thousand Eight Hundred and Eighteen, after reciting that the said Laurent Quetton Saint George had given the before mentioned Power of Attorney to the said William Warren Baldwin to act as his Attorney in every thing concerning his affairs and during the absence of him the said Laurent Quetton Saint George as if it was himself, and that he the said Laurent Quetton Saint George had full confidence in the said William Warren Baldwin, and that by the said Power he the said Laurent Quetton Saint George had restrained him the said William Warren Baldwin, to the sale only of certain Lots of Land, did authorize and give full power to the said William Warren Baldwin to sell or lease any lot or lots of Land of him the said Laurent Quetton Saint George, in whatsoever part of the Province they might be, and to execute any Deed or Deeds to that effect, as if it was himself the said Laurent Quetton Saint George, and to turn the money or monies arising therefrom according to the orders of the said Laurent Quetton Saint George, by letter or letters : *And whereas* the said Laurent Quetton Saint George, after his said return to France, that is to say, on the eighth day of June, in the Year of our Lord One Thousand Eight Hundred and Twenty-one, did depart this life at the City of Orleans, in France, leaving Adele de Barbeyrac de Saint Maurice his Widow, and Henry Joseph Charles Quetton de Saint George, his only Child, legitimate Heir surviving ; and being at the time of his death seized and possessed of divers Estates in this Province, real and personal, acquired as aforesaid, and having made his last Will and Testament in writing in the French language, which said Will and Testament has been, since the death of the said Laurent Quetton Saint George, proved and authenticated in France, according to the Laws of that Kingdom, and in this Province in the Court of Probate, according to the Laws and Customs thereof, and Administration thereof granted and committed to the said William Warren Baldwin by the said Court of Probate, a translation of which said last Will and Testament into the English language follows in these words, that is to say :—“ I, the undersigned Laurent Quetton de Saint George, formerly Lieutenant Colonel Chevalier of the Royal and Military Order of Saint Louis, dwelling and inhabiting at Montpellier, desiring to use the power granted me by the Law, have made my Testament, and the disposition of my last Will as follows :—By my Marriage Contract with Madame Adele de Barbeyrac de Saint Maurice, I have made to my said Wife such endowments as will assure to her after my decease a respectable support : nevertheless, wishing to give her a new testimony of my esteem and of my affec-

tion, I further give and bequeathe to her the possession of all the Lands, Vineyards, &c. &c. which I have bought since our Marriage, or which I may buy, and which are or shall be united to the Domain of L. Engarau ; I give and bequeathe to Marie Antoinette Q. Aures, who passes for my Neice, a boarder at St. Germain en Laye, at the house of the Ladies de St. Thomas, the sum of Fifty Thousand Francs, to be paid to her, Twenty-five Thousand on the day of her Marriage, and the other Twenty-five Thousand one year afterwards ; in case that she should not marry, the Fifty Thousand Francs shall not be paid to her, but I assure her an annuity for life, of Two Thousand Francs per annum, which my Heirs shall pay to her every six months by half, and in advance ; I have but an only Son, Henry Charles Joseph Quetton de Saint George,—he shall be my sole Heir, but in case that on the day of my decease there be any other, or several other Children, issue of my Marriage with the same Lady Adele de Barbeyrac, I give and bequeathe by Preciput, and exclusively to my Son above named, the fourth of all the Property which I shall leave, first deducting the gifts and legacies ; if my Son, and the other Children which may be born of our Marriage, have the misfortune to be deprived of their Father before they attain the age of their majority, their Mother shall be their Tutrix, and will preserve for them I do not doubt, a fortune which I have so laboriously acquired. I desire that the Council of the Family name to them as under Tutor, Monsieur Noel Quetton, Merchant, my Brother, whose friendship and good advice cannot but be useful. I revoke and annul all other Testaments prior to the present, especially that which I made at York, on the Thirteenth of May, One Thousand Eight Hundred and Fifteen, signed by me, and by D'Arcy Boulton, Junior, D. McArthur, and Ambrose D'Farcy, Witnesses. I have made such disposition as appeared most proper to realize and recover the property which I possess in Canada ; Monsieur William Warren Baldwin, Member of the Parliament of the Province, my intimate friend living at York, has always well assisted me, and has promised me to continue his good offices and his care even after my decease for the success of this design. I wish and intend expressly that my Children and their Mother content themselves with receiving what shall be remitted or sent to them by him, and that they be entirely satisfied with his declaration as to the state and condition of the said Property, excusing him from all other accounts and all responsibility, my confidence in Monsieur William Warren Baldwin is and always will be without bounds ; it is fully justified, as well by the knowledge which I have acquired by his frank and honest character, of his exact and rigorous probity, and of the delicacy of his sentiments, as by the tender friendship he has shewn to me, and of which he has given me so many proofs in all circumstances, that I cannot find expressions sufficient to testify to him the lively gratitude

with which my heart is penetrated to him. This is my Testament Olographe, made in two originals, entirely written, dated and signed, with my hand, of which the one to be placed in trust with my Wife, and the other with Monsieur Anduze, Notary, at Montpellier, my friend; made at Montpellier the Fifteenth of February, One Thousand Eight Hundred and Twenty-one.”

(Signed)

QUETTON ST. GEORGE.

And whereas after the death of the said Laurent Quetton Saint George, that is to say, on the Eleventh day of June, in the year of our Lord One Thousand Eight Hundred and Twenty-one, at Montpellier in France, aforesaid, the said Adele de Barbeyrac de Saint Maurice, Widow of the said Laurent Quetton Saint George, and Tutrix of the said Henry Charles Joseph Quetton de Saint George, then and still being an infant under the age of twenty-one years, by her certain Letter of Attorney, bearing date the same day, made and appointed the said William Warren Baldwin her Attorney, General and special, in all matters concerning the Estates, real and personal, whereof the said Laurent Quetton Saint George died seized, possessed or entitled to, and in and by the said Letter of Attorney declared that she had in said William Warren Baldwin a confidence as unlimited as that which her said late Husband had always testified for him: *And whereas* the said Laurent Quetton Saint George was an alien, born out of the dominions of His Majesty, that is to say, in France, aforesaid: *And whereas* the said Henry Charles Joseph Quetton de Saint George was also born out of the said dominions, that is to say, in France, aforesaid; and notwithstanding the provisions of the Provincial and Imperial Naturalization Acts, doubts may be raised by some whether the said Land, and Estate real, whereof the said Laurent Quetton Saint George died seized and possessed, are not liable to forfeiture and escheat: *And whereas* His Excellency the Lieutenant Governor has been pleased by Message to signify His Majesty's Royal Pleasure, graciously to forego any and every such rights of forfeiture or escheat: *And whereas* it is desirable that the said Lands and real Estates whereof the said Laurent Quetton Saint George died seized and possessed, as aforesaid, should be vested in a Trustee, so that the same may be sold and disposed of, and the proceeds thereof applied to the uses, intents and purposes, expressed in the said Will of the said Laurent Quetton Saint George: *And whereas* it is desirable that the same should be vested in the said William Warren Baldwin, according to the desire of the said Laurent Quetton Saint George, and the trust and confidence expressed in his said last Will, and that the said William

Warren Baldwin should be enabled effectually to proceed in the settlement of the affairs, estates, rights and credits, which were of the said Laurent Quetton Saint George, according to the said Will: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all and singular the Lands, Tenements and Hereditaments, mentioned and enumerated in the Schedule to this Act annexed, marked A., and which were held, or deemed to have been held, by the said Laurent Quetton Saint George at the time of his death, shall be, and the same are hereby vested in the said William Warren Baldwin, his Heirs, Executors, Administrators and Assigns, to have and to hold the same, with the appurtenances, to the use of the said William Warren Baldwin, his Heirs, Executors, Administrators and Assigns, in the like estate as the same were or would have been had and held by the said Laurent Quetton Saint George had he been a Natural Born Subject of His Majesty, upon trust, nevertheless, to hold, sell, exchange, dispose of absolutely and convey the same from time to time, and together, or in parcels, as the said William Warren Baldwin, his Heirs, Executors or Administrators, the Trustee or Trustees for the time being, may think fit, and to receive and take the proceeds of such sale and to pay and expend the same to and for the uses, intents and purposes expressed in the said Will of the said Laurent Quetton Saint George: *Provided always*, that nothing in this Act contained shall be held to acquit or discharge the said William Warren Baldwin, his Heirs, Executors or Administrators, or any Trustee or Trustees under the authority of this Act, from any malversation, malfeasance or misfeasance, in the management of the said estates, rights and credits, which were of the said Laurent Quetton Saint George, whereby the said Henry Charles Joseph Quetton Saint George, or any other person or persons rightfully claiming under the Will of the said Laurent Quetton Saint George, have been, or shall or may be damnified or injured—but that the said William Warren Baldwin, his Heirs, Executors, and Administrators, and all Trustees under this Act, shall, notwithstanding this Act, be held answerable and accountable, in His Majesty's Courts of Law and Equity in this Province, in like manner as other Trustees, Agents and Executors, are or shall be held answerable and accountable.

The Lands mentioned in the Schedule marked A. vested in W. W. Baldwin, Esquire.

Upon trust to sell the same.

II. *And be it further enacted by the authority aforesaid,* That the said William Warren Baldwin, shall and may proceed in the recovery of all debts which now remain due to him, the said William Warren Baldwin, as Executor of the said Laurent Quetton Saint George, in the like manner and by the same remedies as debts between subject and subject in this Province may be prosecuted and recovered in Law or Equity, and upon settlement and compromise of such debts, he, the said William Warren Baldwin, his Heirs, Executors or Administrators, Trustee or Trustees for the time being, may accept and take Land or other Real Estate or Security, as to him or them may seem adviseable, and such Land or other Real Estate to hold and sell again, exchange, dispose of absolutely, or convey from time to time, and together or in parcels, and for such price or prices as the said William Warren Baldwin, his Heirs, Executors or Administrators may think fit, and to receive and take the proceeds of such sale and sales, to and for the uses and intents and purposes expressed in the Will of the said Laurent Quetton Saint George : *Provided always,* that all conveyances of such Land made to the said William Warren Baldwin or his Heirs, shall express that the same are made under the authority of this Act, and that the said Lands or other Real Estate or Security, are to be held in trust to hold and sell again, exchange, dispose of absolutely, and convey the same from time to time, and together or in parcels, as the said William Warren Baldwin, or his Heirs may think fit, and the proceeds arising from such sale to receive and take to and for the uses, intents and purposes expressed in the said Will of the said Laurent Quetton Saint George.

W. W. Baldwin to
collect Debts.

III. *And whereas,* the said William Warren Baldwin, as such Agent and Attorney for the said Laurent Quetton Saint George, and by his particular instructions in the compromise of debts due to the said Laurent Quetton Saint George, or to him, the said William Warren Baldwin as his Executor, hath accepted and taken in compromise and satisfaction for debts due to the said Laurent Quetton Saint George, but in his own name, divers lands, tenements and hereditaments; *And whereas,* it is desirable to declare the trusts upon which the same are held : *Be it therefore enacted by the authority aforesaid,* That all and singular the Lands, Tenements, Hereditaments and Premises mentioned and enumerated in the Schedule to this Act annexed and marked B. which said lands, tenements and hereditaments have been heretofore purchased, accepted or taken by the said William Warren Baldwin or others, the Agents of the said Laurent Quetton Saint George, in consideration, satisfaction or compromise of such debts and not again sold or disposed of, shall be and the same are hereby declared to be held by the said William Warren Baldwin, in trust to hold, sell, exchange, dispose of absolutely, and

convey the same from time to time, and together, or in parcels, and for such price and prices as the said William Warren Baldwin, his Heirs, Executors or Administrators may think fit, and to receive and take the proceeds of such sale or sales, to and for the uses, intents and purposes expressed in the Will of the said Laurent Quetton Saint George.

W. W. Baldwin to be responsible for monies received by him under the authority of this Act.

IV. *And be it further enacted by the authority aforesaid,* That the said William Warren Baldwin, his Heirs, Executors and Administrators, and not the Purchaser or Purchasers from or under him or them, under and by virtue of this Act shall remain answerable to the said Adele De Barbeyrac, the said Tutrix, and to the said Henry Charles Joseph Quetton De Saint George, for the monies and proceeds of the Estates, to be sold under and by virtue of this Act, according to the true intent and meaning of the said Will of the said Laurent Quetton Saint George, he, the said William Warren Baldwin, and his Heirs, Executors and Administrators, being in nowise answerable or accountable for the application, misapplication or nonapplication of such monies or proceeds, or of any part thereof, by the said Tutrix, or any other Tutrix, or Tutor, or Guardian whatsoever: *Provided nevertheless,* that it shall and may be lawful for the said William Warren Baldwin, his Heirs, Executors and Administrators, to keep and retain to his and their own use and uses out of such monies and proceeds all reasonable compensation and disbursements for the services, costs and charges done, or to be done, performed, expended and paid by him, them or any of them, in the business and execution of the several trusts in this Act expressed or referred to, and by the said trusts in anywise required or necessary or adviseable to be done; *And Provided also,* That the said William Warren Baldwin, his Heirs, Executors and Administrators, Trustee or Trustees under this Act, shall be answerable and accountable to the said Adele de Barbeyrac de Saint Maurice, the Tutrix aforesaid, and to any Tutrix or Tutor regularly appointed in her place and stead under and according to the Laws of Fance, and to the said Henry Charles Joseph Quetton de Saint George, his Heirs, Executors or Administrators in an action of account, as her, his or their Bailiff, for all monies received by him, them, or any of them under the authority of this Act; *And Provided also,* that His Majesty's Court of King's Bench in this Province, shall and may from time to time, have and hold equitable jurisdiction in and over the trusts hereby created, and shall have full power to make all such orders and decrees touching the same, or any thing therewith connected, as any Court of Equity might or could do in the like case.

His Majesty's Court of King's Bench invested with equitable jurisdiction over the trusts hereby created.

V. *And whereas,* The said Laurent Quetton Saint George in his life time did convey by deed, unto the said William Warren Baldwin, his

Heirs and Assigns for ever, those certain Lots and Parcels of Land namely, Lots numbers Thirty-two, Thirty-four and Thirty-five, in the Fourth Concession of the Township of Whitby, in the Home District of this Province, to have and to hold the same to the use of the said William Warren Baldwin, his Heirs and Assigns for ever; *And whereas*, the said William Warren Baldwin, as Trustee, under and by virtue of this Act, cannot further assure the same unto himself, and it is desirable that he, the said William Warren Baldwin should be further assured therein; *Be it further enacted by the authority aforesaid*, That the said certain lots and parcels of land namely, lots numbers Thirty-two, Thirty-four and Thirty-five, in the said Fourth Concession of Whitby aforesaid, be held and taken to be vested, and are hereby vested in the said William Warren Baldwin, his Heirs and Assigns for ever, in as full and ample a manner as the same would or might have been vested in the said Laurent Quetton Saint George, had he been a natural born subject of His Majesty in this Province.

400 Acres of Land in Whitby, vested in W. W. Baldwin to his own use.

VI. *And be it further enacted by the authority aforesaid*, That if the assets in the hands of the said William Warren Baldwin as Executor of the said last will and testament of the said Laurent Quetton Saint George, shall be found insufficient to satisfy any writ or writs of execution issued, or any judgment or judgments obtained, or which shall or may be obtained against the said William Warren Baldwin, as such Executor, in any of His Majesty's Courts in this Province, out of which a Writ of Execution against Lands and Tenements may lawfully issue, then and in such case the said William Warren Baldwin shall be personally liable to the amount of the Lands and Tenements in his hands as such Trustee as aforesaid, at the time of the commencement of the suit or suits, and which shall be sold, conveyed, or disposed of, by the said William Warren Baldwin, pending such Suit or Suits on which such Judgment or Judgments are or shall be obtained as aforesaid, and such part of the said Lands and Tenements in his hands as such Trustee as aforesaid, at the time of such Judgment or Judgments, shall be liable to the said Judgment or Judgments, and may be seized and taken in execution, and sold to satisfy such Judgment or Judgments by the like process and in the same manner as if the same Judgment or Judgments were against the said William Warren Baldwin in his own right, and the said Lands and Tenements his own private property, saving always and reserving to all and every other person or persons whatsoever, bodies politic or corporate, their heirs and successors (other than the King's Most Excellent Majesty, His Heirs and Successors,) the said Henry Charles Joseph Quetton de Saint George, the said Adele de Barbeyrac de Saint Maurice, and the said William Warren Baldwin,

W. W. Baldwin rendered liable to the Creditors of the Estate of St. George, under certain circumstances.

Rights of the Crown and individuals saved.

their and every of their Heirs, Executors and Administrators, all his, her or their right, title and interest, claim and demand whatsoever, of, in or to the said premises, or any of them, every or any part or parcel thereof, any thing herein contained to the contrary thereof, in anywise notwithstanding.

SCHEDULE A.

<i>Number of Lots and Parcels.</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
No. 59 and $\frac{1}{2}$ of 58, as described in the King's Patent to Quetton Saint George	in 1	Vaughan,	262	"	"
North half of 59 East side of Yonge Street	in 1	Markham,	95	"	"
No. 6	in 4	Mersea,	200	"	"
2	in 4	Mersea,	200	"	"
6 and 7	in 4	Barton,	200	"	"
8 9 12 and 13	in 8	Saltfleet,	400	"	"
31 and 32	} in 12	Pittsburgh,	940	"	"
Broken lots 34 35 36 37 & 38					
6 and 7	in 4	Reach,	400	"	"
1	in 6	Reach,	200	"	"
23 and 25	in 1	Gainsborough,	400	"	"
35	in 3	Whitby,	200	"	"
9 and 10	in 6	Uxbridge,	400	"	"
East half 10	in 4	Uxbridge,	100	"	"
1 and South half 6	in 5	Walsingham,	300	"	"
16 17 and 18	in 2	Uxbridge,	600	"	"
12 and 13	in 7	E. Gwillimbury,	400	"	"
49 on Yonge Street,	in 1	Markham,	190	"	"
14	in 7	E. Gwillimbury,	200	"	"
19	in 8	E. Gwillimbury,	200	"	"
West halves of 6 7 8 & 9 from the Bay,	in 3	York,	400	"	"
Town Plot in Village of Dundas as described in the deed of sale thereof dated 31st July, 1810, made by William Hare and Wife, to Quetton Saint George, being part of No. 16,	} in 1	Flamborough W.	6	"	26
8					
29					
22					
	in 4	Whitchurch,	200	"	"
	in 6	Whitchurch,	200	"	"
	in 5	Scott,	200	"	"

<i>Number of Lots and Parcels.</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
No. 25 and 26	in 1	Uxbridge,	400	"	"
19	in 1	Whitby,	200	"	"
25 and 31	in 6	Whitchurch,	400	"	"
11, 12, 13,	in 7	Saltfleet,	300	"	"
6, 19, 20, and 21	in 8	Saltfleet,	400	"	"
29	in 5	Beverly,	200	"	"
60 on Yonge Street,	in 1	Markham	190	"	"
61 on Yonge Street, the South } half thereof, in }	1	Whitchurch,	95	"	"
West half of 14	in 3	Markham,	100	"	"
No. 18 and 19 West of Yonge } Street, in }	2	York,	400	"	"
1 north side of Dutchess Street in	Town of York,		1	"	"
1 south side of Lot Street, in	Town of York,		1	"	"
Town plot in Village of Dundas as } described by the Deed thereof } bearing date the first day of } August, 1812, and made by Wil- } liam Hare and Wife to Quetton } Saint George, being part of 16, in }	1	Flamboro' West,	1	"	8
Part of Lot number 32, as the same } is described in a certain Mortgage } dated 14th day of July 1812, made } by Henry Widdifield to Quetton } Saint George, in }	3	Whitchurch,	178	"	"
Part of Lot number 7, and the whole } of Lot number 8, on the Humber, } as described in a certain Mortgage } dated 10th day of July 1815, made } by John Scarlett to Quetton Saint } George, in }	3	York,	310	"	"
Part of Lot number 1, as described } in a certain Mortgage dated 3rd } day of January 1818, made by } William Bird to Quetton Saint } George, in }	6	Woodhouse,	6	"	"

<i>Number of Lots and Parcels.</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
Part of Lot number 13, in Woodhouse Gore, being Lot number 7 West side of Nichol Street, in the Village of Theresaville, as described in a certain Mortgage dated 30th day of January 1821, made by William Bird to Quetton Saint George, containing sixty-four Square Rods, in		Gore of Woodhouse,			
Broken Lot 46 on the River Thames, and the Northerly part of No. 46, in the 1st Concession of Westminster, as described in a certain Mortgage dated 30th January, 1821, made by William Bird to Quetton Saint George, in	1	Westminster,	200	"	"

SCHEDULE B.

Schedule B.

<i>Number of Lots and Parcels.</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
West half of 30, in	5	Beverly,	100	"	"
Rear or South East half of 15, South on Talbot Road East, in		Southwold,	100	"	"
Town Plot in Village of Dundas, being part of number 15 in the first Concession, and described as Town Lots Nos. 9, 10, 11, in the Deed thereof, dated the 13th day of August, 1819, and made by William Hare to John Baldwin, in	1	W. Flamborough,	3	"	"
Nos. 5, 6, 7, 8 and 10 Northern division	2	Dorchester,	1000	"	"
22, Broken Front Concession B. in		Haldimand, } Newcastle }	100	"	"
2, 4, 6, in	6	Aldborough,	600	"	"
24 in	9	North Crosby,	200	"	"
16 in	6	North Crosby,	200	"	"
41 and East half of 42, Bay side, in	1	Marysburgh,	150	"	"
25 and 26 in	6	Markham,	400	"	"
26 in	3	Scott,	200	"	"

<i>Number of Lots and Parcels.</i>		<i>Con.</i>	<i>Township.</i>	<i>Acres.</i>	<i>R.</i>	<i>P.</i>
No. 21	in	6	Scott,	200	"	"
13	in	7	Pittsburgh,	200	"	"
16, Town Lot East side of Pinnacle Street, in the Town of Belleville,	in	}	Midland District,	"	2	"
336 Town Lot, New Survey, in Water Lot number 3 inner Bay,	in		Kingston,	$\frac{1}{5}$	"	"
18	in	3	Kingston, Pittsburgh,	$\frac{1}{5}$ 200	"	"
North half of lot number 22, in	in	1	Percy,	100	"	"
North west corner of East half of Lot number 19, as described in the deed thereof, from Hugh Christo- pher Thomson, and George Hill Detlor, to John Spread Baldwin, dated 17 January, 1822,	in	}	Adolphustown,	1	"	"
The front or northerly three quarters of numbers 11 and 12; as the same are described in the Deed thereof, made by Thomas Smith to Wil- liam Warren Baldwin, dated 12th March, 1823.	in		6	Aldborough,	300	"
No. 18	in	10	Caradoc,	200	"	"
The North west half of Lot number 3,	in	}	Aldborough,	100	"	"
East halves of 29 and 30	in		1	Mono,	200	"
That part of number 25, West of Huronario Street, mentioned in certian Letters Patent to be gran- ted to Allan Robinet,	in	}	Mono,	160	"	"
That part of number 7, East of Hu- rontario Street, mentioned in cer- tain Letters Patent, to be granted to Allan Robinet,	in		2	Mulmur,	172	"
No. 18	in	1	Amaranth,	200	"	"
27	in	3	Amaranth,	200	"	"
West half of 23,	in	3	Amaranth,	100	"	"
11 and 13	in	6	Pittsburgh,	400	"	"
10	in	13	Pittsburgh,	200	"	"
15	in	9	Pittsburgh,	200	"	"
18 and the Westerly half of 17,	in	11	Rawdon,	300	"	"

<i>Number of Lots and Parcels.</i>	<i>Con.</i>	<i>Township.</i>	<i>Acres</i>	<i>R.</i>	<i>P.</i>
No. 21	in 8	Richmond,	200	"	"
19	in 10	Manvers,	200	"	"
24 and 33	in 1	Albion,	400	"	"
14 and 18	in 3	Albion,	400	"	"
32	in 5	Albion,	200	"	"
25	in 6	Albion,	200	"	"
26	in 9	Albion,	200	"	"
29	in 1	Caledon,	200	"	"
21	in 6	Caledon,	200	"	"
15	in 3	Medonte,	200	"	"
12 and the West half of 2,	in 4	Medonte,	300	"	"
15 and 17	in 5	Medonte,	400	"	"
7 and 16	in 6	Medonte,	400	"	"
20	in 7	Medonte,	200	"	"
18	in 8	Medonte,	200	"	"
7, 8, 9, and 11,	in 10	Medonte,	800	"	"
18	in 1	Orillia South,	200	"	"
5	in 2	Orillia South,	200	"	"
10	in 4	Orillia South,	200	"	"
3	in 5	Orillia South,	200	"	"
1 and 3	in 1	Orillia North,	400	"	"
5	in 4	Orillia North,	200	"	"
2 and 5	in 6	Orillia North,	400	"	"
1 and 13	in 8	Orillia North,	400	"	"
14	in 10	Orillia North,	200	"	"
8, 10 & West half of 13,	in 12	Orillia North,	500	"	"
11	in 16	Orillia North,	200	"	"
17	in 7	Kingston,	200	"	"
North half of the East half of number 3,	in } 2	Fredericksburgh (Additional,)	} 50	"	"
23 and 24	in } 12	Rawdon,			
North half of 61, East side of Yonge Street,	in } 1	Whitchurch,	95	"	"
No. 22	in 1	Plantagenet,	200	"	"
West half of 24, East of Yonge Street,	in } 1	York,	97	"	"
The Easterly half of number 2 on the North side of Duke Street ex- tending from the South east angle of said Lot, 64 feet in front on said Street, and being the whole depth of said lot,	in }	Town of York,		1	$9\frac{1}{16}$

Number of Lots and Parcels. Con. Township. Acres. R. P.

The Westerly part of Lot number 1, on the North side of Duke Street, extending one hundred and thirty- six feet in front on the said Street, reckoned from the South West Angle of the said Lot, and the depth of the said lot in a northerly Direction,	}	Town of York,	1 9 $\frac{1}{16}$
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ANNO PRIMO

GULIELMI IV. REGIS.

C A P. IV.

AN ACT to render valid acts done by the Governor of any of His Majesty's Plantations after the expiration of His Commission by the Demise of His late Majesty, and to extend the period within which the Patents of Governors of Colonies shall on any future Demise of the Crown become vacant, and to provide for the longer duration of the Patents of Governors after the Demise of the Crown.

[23d December, 1830.]

WHEREAS on the Demise of His late Majesty King *George* the Fourth divers persons were in the Exercise of Offices and Employments, Civil and Military, within His Majesty's Plantations, Colonies, and Possessions abroad, holden under and by virtue of divers Patents, Commissions, Warrants, or other Authorities determinable at His said late Majesty's Pleasure: And whereas at the expiration of Six Calendar Months next after the demise of His said Majesty such Offices and Employments as aforesaid will by Law cease and determine, and such Patents, Commissions, Warrants and other Authorities as aforesaid will

by Law be vacated and become void: And whereas, by reason of the Remoteness of divers of such Plantations, Colonies, and Possessions, it hath been found and is impracticable to renew such Patents, Commissions, Warrants and Authorities, so as that the Renewal thereof should within the period aforesaid be signified and take effect within the said Plantations, Colonies and Possessions, and the Governors and Officers Administering the Government thereof, and other His Majesty's Officers therein, must, notwithstanding the Expiration of such their Commissions, continue in the Exercise of the Powers and Authorities thereby in them vested, in the same manner as if such Commissions had not determined: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That Powers and Authorities, whether vested in any Governor, Lieutenant Governor, or Officer Administering the Government of any of His Majesty's Plantations, Colonies or Possessions Abroad, or in any Officer or Officers within any such Plantation, Colony, or Possession, by any Patent, Commission or Warrant, which hath determined or will determine by the Demise of his said late Majesty, shall continue in full force and virtue until a new Patent, Commission or Warrant for the Administration of any such Government, or for the Exercise of any such Office, shall be issued by His Majesty, or on His behalf, or under His Authority, and until the issuing of any such new Patent, Commission or Warrant shall be signified and made known within the Plantation, Colony, or Plantation Abroad to which the same may relate; and that all acts and deeds which shall in the meantime be done shall be as good, binding, valid and effectual as if such Patent, Commission or Warrant, had not been vacated or made void, and as if such Office or Employment had not ceased and determined.

All Powers vested in Governors of Colonies, &c. by Patent or Commission of His late Majesty to continue in force until new Patents shall be issued and made known in such Colonies.

Extending the period at which Patents shall become determinable at any future Demise of the Crown.

II. And be it further enacted, That no Patent, Commission, Warrant, or other Authority for the exercise of any Office or Employment, Civil or Military, within any of His Majesty's Plantations or Possessions Abroad, determinable at the pleasure of His Majesty, or of any of His Majesty's Heirs and Successors, shall by reason of any future Demise of the Crown be vacated or become void until the expiration of Eighteen Calendar Months next after any such Demise of the Crown as aforesaid.

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